

**Security Council Committee
pursuant to resolution 751 (1992) concerning Somalia
Implementation Assistance Notice No. 3
Summary of the Improvised Explosive Device (IED) components ban and regulations in place for
exportation of explosive materials to Somalia.
3 August 2020**

In order to assist Member States, international, regional and sub-regional organizations, other public and private entities, and natural persons to take the necessary steps to ensure full and effective implementation and as well as enforcement of the Security Council's requirements, the Committee pursuant to resolution 751 (1992) concerning Somalia ("the Committee") offers the following summary of the IED components ban, imposed by paragraphs 26 to 28 of Security Council resolution 2498 (2019), and the regulations in place for exportation of explosive materials to Somalia.

Background

In a preambular paragraph of resolution 2498 (2019), the United Nations Security Council has condemned Al-Shabaab attacks in Somalia and beyond, expressed grave concern that Al-Shabaab continues to pose a serious threat to the peace, security and stability of Somalia and the region, particularly through their increased use of improvised explosive devices (IEDs).

Indeed, IEDs have been a hallmark of Al-Shabaab tactics, techniques and procedures since 2006 (see S/2012/544 para.19). IED attacks by Al-Shabaab remain a predominant factor to account for casualties among military personnel - Somali security forces and the African Union Mission in Somalia (AMISOM) - and civilians in Somalia. According to UNMAS Somalia, the total casualties associated with IED incidents during the last three years (2017 to 2019) are 5,533, including 2,177 fatalities.

In 2019, for the first time, the Panel of Experts on Somalia ("the Panel"), obtained information that Al-Shabaab has been manufacturing home-made explosives since at least 20 July 2017 (see S/2019/858, para.20). The manufacture of home-made explosives means that Al-Shabaab has now access to far more readily available inputs and components for the construction of IEDs. The Panel and UNMAS continue to monitor and document the ability of Al-Shabaab and Somalia-based ISIL affiliates to adapt to new circumstances and to use other materials (than those listed in Annex C part II) to manufacture HMEs and IEDs.

IED components

An IED, as defined by the United Nations Improvised Explosive Device Disposal Standards (May 2018) is "*a device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass or distract. It may incorporate military stores, but is normally devised from non-military components.*"

IEDs can be deployed in a variety of ways, and their explosion can result in loss of life and injury, as well as property damage in military or civilian environments.

Most IEDs are made up of a combination of the following components:

- Power source (typically batteries required to power the switch and complete the circuit to fire the initiator);
- Switch (switches can be activated by the attacker to control the moment of initiation, operated by a person carrying an IED such as a suicide belt or vest, initiated after a certain lapse of time, remotely controlled, etc.);

- Initiator (technically initiators, detonators, blasting caps are included as the explosive but are also commonly listed separately);
- Explosive (this includes the main explosive charge along with detonation cords, boosters, and initiators);
- Container (such as pipes, vehicles, laptops, cylinders, belts or vests, etc.); and
- Enhancements (such as nails, ball bearings, etc.).

With the adoption of resolution 2498 (2019), the Security Council took further action by deciding to regulate the exportation of materials that may be used in the manufacture of IEDs in Somalia, with a particular focus on explosive materials and precursors, as well as devices specifically designed to initiate explosives and the technology required for the production or use of these items, insofar as they can be found separately as commercial products manufactured for, *inter alia*, civil engineering (i.e. road, railway and port construction) as well as agricultural and chemical industries.

More specifically, homemade explosives derive from a wide variety of precursor chemicals, including fertilizers and industrial chemicals such as nitroglycerin or potassium nitrate, which are predominately used by Al Shabaab to manufacture IEDs.

IED components ban requirements contained in Security Council resolution 2498 (2019)

In order to take action against the supplying of IED components to Al-Shabaab, the Council, in its resolution 2498 (2019), has established requirements to implement restrictions – respectively bans, notifications and procedures – on the sale, supply or transfer of IED components to Somalia, based on the identification and characteristics of these components.

Annex C of Council resolution 2498 (2019) reflects IED components in two parts:

Part I

1. Explosive materials, as follows, and mixtures containing one or more thereof:
 - a. Nitrocellulose (containing more than 12.5% nitrogen weight per weight);
 - b. Trinitrophenylmethylnitramine (tetryl);
2. Explosive-related goods:
 - a. Equipment and devices specially designed to initiate explosives by electrical or non-electrical means (e.g. firing sets, detonators, igniters, detonating cords).
3. “Technology” required for the “production” or “use” of the items listed at paragraphs 1 and 2.

Part II

1. Explosive materials, as follows, and mixtures containing one or more thereof:
 - a. Ammonium Nitrate Fuel Oil (ANFO);
 - b. Nitroglycol;
 - c. Pentaerythritol tetranitrate (PETN);
 - d. Picryl chloride; and
 - e. 2,4,6-Trinitrotoluene (TNT).
2. Explosives precursors:
 - a. Ammonium nitrate;
 - b. Potassium nitrate;
 - c. Sodium chlorate;
 - d. Nitric acid; and
 - e. Sulphuric acid.

The nature of the requirements is dependent on the category of component and on its discernible utilisation.

Preventative ban

For items listed in Part I of Annex C, if there is sufficient evidence to demonstrate that the item(s) will be used, or a significant risk they may be used, in the manufacture in Somalia of improvised explosive devices, the Council has decided that all States shall prevent the direct or indirect sale, supply or transfer of the item(s) to Somalia from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, as indicated in paragraph 26 of resolution 2498(2019).

Mandatory notification

For items listed in Part I of Annex C, as indicated in paragraph 27 of resolution 2498 (2019), unless there is sufficient evidence to demonstrate that the item(s) will be used, or a significant risk they may be used, in the manufacture of IEDs, direct or indirect sale, supply or transfer to Somalia can be carried out provided that Member States, international, regional or sub-regional organizations notify the Committee no more than 15 working days after the sale, supply or transfer has taken place, and provide all relevant information, including:

- the purpose of the use of the item(s);
- the end user;
- the technical specifications; and
- the quantity of the item(s) to be shipped.

Procedures related to the exercise of vigilance and sharing of information

For items listed in Part II of Annex C, as well as for any other explosive-related goods, as indicated in paragraph 28 of resolution 2498 (2019), Member States, international, regional or subregional organizations, are called upon to undertake the following measures:

- to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are involved in the sale, supply, or transfer of explosive precursors and materials to Somalia that may be used in the manufacture of improvised explosive devices;
- to keep records of transactions;
- to share information with the FGS, the Committee and the Panel regarding suspicious purchases of or enquiries into these chemicals by individuals in Somalia; and
- to ensure that the FGS and Federal Member States (FMS) are provided with adequate financial and technical assistance to establish appropriate safeguards for the storage and distribution of materials that might be used to manufacture IEDs.

Reminder related to explosive material delivered for military purpose

The Committee's Implementation Assistance Notice No. 2 "*Summary of arms embargo restrictions in place for Somalia, including exemptions*" specifies the regulation regarding charges and devices intended for military use containing energetic materials (available at <https://www.un.org/securitycouncil/sanctions/751/notices>).

The provision of items such as charges and devices specifically designed or modified for military use, mines and related materiel and intended solely for the development of the Somali National Security Forces or Somali security sector institutions to provide security for the Somali people, must be approved by the Committee in advance and on a case by case basis ('request for Committee's approval') as indicated in paragraph 10 and Annex A of resolution 2498 (2019).

The details of how to submit, and what to include in, a 'request for Committee's approval' are set out on the Committee's website and paragraphs 10 (a), (b), (c), (d), (e) and (f) of the Committee Guidelines, which are available at: <https://www.un.org/securitycouncil/sanctions/751/guidelines>.

As stipulated by paragraph 13 of resolution 2498 (2019), the primary responsibility for making an advance 'request for Committee's approval' rests with the FGS. Supplying Member States, international, regional or sub-regional organizations may also submit an advance-approval request to the Committee in the alternative, but they must do so in consultation with the FGS, (the appropriate national coordinating body within the FGS: Office of the National Security Adviser), as indicated in paragraph 14 of the same resolutions.

Extended surveillance and exchange of information

Member States should note that according to paragraph 28 of resolution 2498 (2019) the explosive precursors and materials requiring the exercise of vigilance and sharing of information with the FGS, the Committee and the Panel are not limited to those listed in annex C. Member States are encouraged to undertake the same measures of vigilance and exchange of relevant information with regard to other materials that may be used by Al-Shabaab and Somalia-based ISIL affiliates in the manufacture of IEDs, as well as to ensure the appropriate safeguards for storage and distribution of such materials in Somalia.

Interpretation of the scope of these requirements

In the event of doubt as to the applicability of these requirements to specific forms of items - or of a particular exemption in a specific circumstance - the Committee may be invited to make a determination. Details on addressing communications to the Committee can be found at the Committee's website (<https://www.un.org/securitycouncil/sanctions/751>).