

**Security Council Committee
pursuant to resolution 751 (1992)**

As issued on 7 May 2014 and revised on 12 February 2019

Implementation Assistance Notice No. 1: Recommendations on interdiction of charcoal from Somalia by Member States pursuant to Security Council resolutions 2036 (2012), 2060 (2012), 2111 (2013) and 2182 (2014)

The Committee pursuant to resolution 751 (1992) concerning Somalia (the “Committee”) believes that the information below may assist Member States in carrying out their obligation to take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia, and Somali authorities in carrying out their obligation to take the necessary measures to prevent the export of charcoal from Somalia, including with the support and assistance of the African Union Mission in Somalia (AMISOM).

UN Security Council requirements

1. Paragraph 23 of resolution 2036 (2012) considers that the commerce in charcoal from Somalia may pose a threat to the peace, security, or stability of Somalia. Paragraph 2 (a) of resolution 2060 (2012) recalls that engaging in or providing support for acts that threaten the peace, security or stability of Somalia may include engaging in the direct or indirect export or import of charcoal from Somalia.
2. Paragraph 22 of resolution 2036 (2012) and paragraph 18 of resolution 2111 (2013) require Somali authorities to take the necessary measures to prevent the export of charcoal from Somalia.
3. Paragraph 22 of resolution 2036 (2012) and paragraph 18 of resolution 2111 (2013) require all Member States to take the necessary measures to prevent the direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia. Paragraph 22 of resolution 2036 (2012) further requires all Member States to report to the Committee on the steps they have taken towards effective implementation of the charcoal ban.
4. Paragraph 18 of resolution 2111 (2013) requests AMISOM to support and assist Somali authorities in preventing the export of charcoal, as part of AMISOM’s implementation of its mandate set out in paragraph 1 of resolution 2093 (2013). Paragraph 42 of resolution 2444 (2018), which reiterates that request, calls upon AMISOM to facilitate regular access for the Panel of Experts to charcoal exporting ports. Paragraph 20 of resolution 2111 (2013) reminds all Member States, including police and troop contributing contingents to AMISOM, of their obligations to abide by the charcoal ban, as set out in resolution 2036 (2012).
5. Paragraph 44 of resolution 2444 (2018) renews the provisions set out in paragraph 15 of resolution 2182 (2014), until 15 November 2019, concerning the authorization for Member States, acting nationally or through voluntary multinational naval partnerships, such as ‘Combined Maritime Forces’, in cooperation with the Federal Government of

Somalia (FGS) and which the FGS has notified to the Secretary-General and which the Secretary-General has subsequently notified to all Member States, in order to ensure strict implementation of the charcoal ban, to inspect, without undue delay, in Somali territorial waters and on the high seas off the coast of Somalia, vessels bound to or from Somalia which they have reasonable grounds to believe are carrying charcoal from Somalia in violation of the charcoal ban.

Implementation measures

Preventing import of charcoal

6. To implement its obligation to prevent the importation of charcoal from Somalia into its territory, a Member State may and is encouraged to inspect vessels suspected of carrying charcoal from Somalia and their cargoes in its territorial sea, in accordance with the international law of the sea, prevent the docking in its territory of such vessels, inspect such vessels and cargoes within its ports, and prevent the offloading of charcoal from Somalia, or the clearing of the consignment of charcoal from Somalia through customs. The resolutions do not require Member States to deny a vessel entry into port in the case of emergency, or in the case of return to its port of origination.
7. The Committee requests that Member States inform the Committee of the measures they have taken within five working days after the arrival of the vessel, providing full available information, such as the name of the vessel, the flag state of the vessel, the size of the consignment, the names of the consignees, agents and shippers, and relevant genuine or falsified documentation. In particular, the Committee requests that the Member State inform the Committee of the intended or likely next port of call of the vessel in the event it does not return to Somalia to enable the Committee to coordinate further with Member States.

Seizure, disposal or destruction

8. As a necessary measure to prevent the import of charcoal from Somalia, whether or not such charcoal originated in Somalia, Member States may seize and confiscate consignments of charcoal from Somalia that have entered their national territory, for the purposes of disposal or destruction, in order to deny any financial benefit accruing to any individual or entity involved in the shipment, including charcoal traders and facilitators, owners of the consignment or shippers. In addition, Member States may seek on a case by case basis to recover the costs arising from seizure and confiscation, including docking fees of the vessel or temporary storage of charcoal, from individuals and entities engaged in facilitating the violation of the charcoal ban such as the consignees of the charcoal cargo or the owners of the vessel. Furthermore, the Committee notes that Member States may seek, on a case by case basis, to recover the costs associated with the destruction of seized and confiscated stocks of charcoal from Somalia from individuals and entities engaged in facilitating the violation of the charcoal ban such as the consignees of the charcoal cargo or the owners of the vessel.
9. Following the seizure and confiscation of a charcoal shipment from Somalia, Member States may proceed with the destruction of the offloaded charcoal in an environmentally responsible manner. Illustrative examples of such destruction methods include:

sequestration as biochar; solid waste management and in-situ water treatment; activated carbon feedstock; co-firing in coal fired power stations and cement kilns; and landfill mixed disposal. In addition, the Committee encourages Member States to ensure that the bags containing the charcoal are either recycled or destroyed in an environmentally responsible manner. The Committee also notes that Member States may seek technical assistance from United Nations bodies with technical capabilities and expertise to determine the advantages and disadvantages of the options for destruction of charcoal shipments, and best practices for establishing effective and environmentally sound means of destruction. The Committee will be available to advise Member States on the relevant UN bodies if necessary.

10. Exceptionally and in close consultation with the Committee, instead of destruction, Member States may locally resell, in accordance with their domestic legislation and according to transparent and accountable procedures, a portion or the whole of a shipment of Somali charcoal that has been seized and confiscated. The Committee requests that Member States consult with the Committee with respect to the ultimate distribution of the proceeds of such a resale, with a view to ensuring that they are distributing said proceeds in a manner consistent with the objectives of the relevant Security Council resolutions. From the proceeds of such a resale, a Member State may recover costs associated with measures undertaken to implement the charcoal ban, including destruction of subsequent shipments. As a consequence of a local resale, no financial benefit should accrue to individuals and entities engaged in facilitating the violation of the charcoal ban such as the consignees or shippers whose cargo has been seized and confiscated.
11. The Committee encourages the Member State to inform the Committee of any seizure and confiscation of a charcoal shipment within five working days of its actions and should provide full available information as detailed in paragraph 7 above and the intentions of the Member State for disposal. Following the disposal of the shipment in a timely manner, the Member State is encouraged to inform the Committee of the measures it has taken and is encouraged to provide all accounts of any resale, in part or in whole of the shipment, expenditures from the proceeds, and any remaining balance.
12. The Committee recalls that Member States acting under the authorization provided for in paragraph 15 of resolution 2182 (2014), and renewed by paragraph 44 of resolution 2444 (2018), are further authorized by the Security Council, in paragraph 17 of resolution 2182 (2014), to seize and dispose of (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) any items identified in the inspections pursuant to paragraph 15 of resolution 2182 (2014), the delivery, import or export of which is prohibited by the charcoal ban. Member States are also authorized to collect evidence directly related to the carriage of such items in the course of such inspections. Furthermore, the Security Council decided that charcoal seized in accordance with this paragraph may be disposed of through resale, which is to be monitored by the Panel of Experts.
13. The Committee further recalls that Member States acting under the authorization provided for in paragraph 15 of resolution 2182 (2014), and renewed by paragraph 44 of resolution 2444 (2018), are requested, in paragraph 19 of resolution 2182 (2014), to dispose of any charcoal seized in an environmentally responsible manner, taking into account the United Nations Environment Programme's 4 September 2013 letter to the

Chair of the Committee, and this Implementation Assistance Notice, and that the Council called upon all Member States in the region to cooperate in the disposal of such charcoal.

14. The Committee also recalls that the authorization provided for in paragraph 15 of resolution 2182 (2014), as renewed by paragraph 44 of resolution 2444 (2018), includes the authority to divert vessels and their crews, to a suitable port to facilitate the disposal of the seized charcoal, with the consent of the port State, and that the authorization further includes the authority to use all necessary measures to seize items pursuant to paragraph 17 of resolution 2182 (2014) in the course of inspections. Any Member State cooperating in the disposal of items identified in inspections pursuant to paragraph 15 of resolution 2182 (2014), the delivery, import or export of which is prohibited by the charcoal ban, shall provide a written report to the Committee no later than 30 days after such items enter its territory on the steps taken to dispose or destroy them.

Suspicion of Charcoal Shipments on the High Seas.

15. The Committee recalls that Member States acting under the authorization provided for in paragraph 15 of resolution 2182 (2014) and renewed by paragraph 44 of resolution 2444 (2018), are requested, in paragraph 16 of resolution 2182 (2014), to make good-faith efforts to first seek the consent of the vessel's Flag State prior to any inspections. The Member States conducting inspections pursuant to paragraph 15 of resolution 2182 (2014) are also authorized to use all necessary measures commensurate with the circumstances to carry out such inspections and in full compliance with international humanitarian law and international human rights law, as may be applicable.
16. The Committee recalls that a Member State that undertakes an inspection pursuant to paragraph 15 of resolution 2182 (2014) shall in accordance with paragraph 20 of the same resolution promptly notify the Committee and submit a report on the inspection containing all relevant details, including an explanation of the grounds for and the results of the inspection and where possible including the flag of the vessel, the name of the vessel, the name and identifying information of the master of the vessel, the owner of the vessel, and the original seller of the cargo, and efforts made to seek the consent of the vessel's Flag State.
17. Paragraph 20 of resolution 2182 (2014) requests the Committee to notify the Flag State of the inspected vessel that an inspection has been undertaken.

Preventing export of charcoal

18. To prevent the export of charcoal from Somalia, the Committee encourages the Somali authorities to take control within Somalia of production areas, reducing production to levels of local consumption, in accordance with relevant national laws, block access routes to ports, and prevent docked vessels from loading charcoal cargo. The Committee notes that, in order to advance the objectives of the relevant Security Council resolutions, Somali authorities may wish, as feasible, to seize charcoal within the territory of Somalia intended for export and dispose of it within Somali territory.

19. As requested by the Security Council, AMISOM should support and assist the Somali authorities in preventing the export of charcoal, particularly in areas where its contingents have security control and can block access to ports and loading of docked vessels.
20. The Committee encourages the Somali authorities and AMISOM to report to the Committee regularly on the steps they have taken towards effective implementation of the charcoal ban.

Monitoring

21. The Committee encourages Member States to invite the Panel of Experts to monitor the measures undertaken to implement the Somali charcoal ban. States are also encouraged to provide the Panel of Experts with documentary evidence, other materials and information that could further its investigations into violations of the charcoal ban. In addition, other United Nations bodies with technical capabilities and expertise may be invited to observe implementation measures.

Safety issues

22. The Committee is aware of the safety issues associated with bulk transportation, storage and disposal of charcoal, which should be handled according to standard industry safety procedures applicable in each Member State and/or generic industry safety references. States are encouraged to seek the necessary technical assistance from relevant United Nations bodies.

Economic issues

23. Recalling the right of Member States in accordance with Article 50 of the United Nations Charter to consult with the Security Council with regard to special economic problems arising from carrying out of its preventive or enforcement measures, the Committee and the Panel of Experts stand ready to provide additional guidance, upon request, to Member States about the implementation of the charcoal ban pursuant to resolutions 2036 (2012), 2060 (2012), 2111 (2013) and 2182 (2014).