

THE SOMALIA (SANCTIONS) (EU EXIT) (AMENDMENT) REGULATIONS 2021
REPORT UNDER SECTION 46 OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018

1. This is a report under section 46 of the Sanctions and Anti-Money Laundering Act 2018 (“the Act”) in relation to the Somalia (Sanctions) (EU Exit) (Amendment) Regulations 2021. When new regulations are made under section 45 of the Act to amend sanctions regulations that have been made under section 1 of the Act, and the regulations being amended state a purpose other than compliance with a UN or other international obligation (i.e. discretionary purposes in section 1(2) of the Act), the Minister making the new regulations must lay before Parliament a report under section 46(2) of the Act which explains why the Minister is of the opinion mentioned in section 45(2)(b) of the Act, namely that:
 - the Minister considers that carrying out the purposes of the regulations would meet one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act;
 - the Minister considers that there are good reasons to pursue that purpose;
 - the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose.

2. The Somalia (Sanctions) (EU Exit) (Amendment) Regulations 2021 are made under the Act to make amendments to the Somalia (Sanctions) (EU Exit) Regulations 2020 (the “Somalia Regulations”).

3. The purpose of this instrument is to add nitroglycerin to the list of improvised explosive device (IED) components that are subject to the trade prohibitions in Chapter 2 of Part 5 to the Somalia Regulations in order to comply with the UK’s UN obligations. It also makes amendments and corrections to the Somalia Regulations. United Nations Security Council Resolution (‘UNSCR’) 2498 (2019) banned the export of IED components to Somalia, due to the increase in IED attacks undertaken by Al-Shabaab. UNSCR 2551 (2020) subsequently added nitroglycerin to the list of banned components, on the recommendation of the Panel of Experts on Somalia, with an exception for where it is packaged or prepared in individual medicinal doses. This instrument amends the Somalia Regulations to ensure that the trade prohibitions in respect of IED component goods also include nitroglycerin, with the same medical exception, so that the Somalia Regulations fully implement our UN obligations in respect of this regime. This instrument also omits tetryl from this list. This is because

tetryl and the technology used to produce it are already subject to the arms embargo imposed by the Somalia Regulations by virtue of being specified in Part 1 of Schedule 2 of the Export Control Order 2008.

4. This instrument also adds technology required for the production or use of nitrocellulose and nitroglycerin to the list of items covered by the trade prohibitions in Chapter 2 of Part 5 of the Somalia Regulations. This is required to implement the obligations under paragraph 26 of UNSCR 2498 (2019) and paragraph 26 of UNSCR 2551 (2020), and corrects an omission in the Somalia Regulations. The instrument also corrects a typographical error and makes consequential amendments to the list of UN obligations to reflect the further obligation under UNSCR 2551 (2020).
5. This instrument only makes amendments to certain provisions of the Somalia Regulations which implement the UK's UN obligations.
6. Section 2(4) of the Act requires a report to be laid before Parliament explaining why the appropriate Minister making regulations under section 1 of the Act considers that carrying out each of the discretionary purposes of the regulations would meet one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Act, why the Minister considers that there are good reasons to pursue that purpose, and why the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose i.e. the same criteria as those under section 45(2)(b) of the Act. This report and the other associated documents that accompanied the Somalia Regulations were completed and laid before Parliament on 29 June 2020.
7. A summary of the conclusions relating to the discretionary purposes of the section 2 report and the annual review is below, together with an assessment of the current situation for the purposes of this section 46 report.

The Somalia (Sanctions) (EU Exit) Regulations 2020

8. **Section 2 report, laid before Parliament on 29 June 2020:** The report stated that the discretionary purposes of the Regulations were promoting the peace, security and stability of Somalia; supporting the Federal Government of Somalia to promote peace, security, stability and the rule of law, including in efforts against al-Shabaab; promoting the effective delivery of the mandates of the regional and international monitoring, peace-support or protection and training missions and mechanisms; promoting respect for humanitarian assistance activities; promoting compliance with the rules of

international humanitarian law applicable to the armed conflicts in Somalia; and promoting respect for human rights.

9. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act. It also considered that there were good reasons for pursuing those purposes, namely to build long-term security and stability in the region, including by restricting destabilising illegal flows of IED-component material into Somalia to strengthen measures against terrorist groups such as al-Shabaab. Finally, the report concluded that the imposition of the kinds of prohibitions and requirements imposed by the Regulations for those purposes was a reasonable course of action for the purpose of supporting long-term improvements in Somalia's security and stability, and tackling the resources of terrorist groups such as al-Shabaab.

10. **Current assessment:** Since the completion of the section 2 report, the position has not changed. The policy intention is to keep sanctions on Somalia in place until there has been evidence of concrete improvement in the areas of concern outlined in the purposes of these Regulations. The Foreign, Commonwealth and Development Office will continue to coordinate with international partners, to push for the rigorous implementation of existing sanctions, and to coordinate on the future of the sanctions regime. For the reasons set out in the section 2 report, carrying out those purposes meets one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

Lord Ahmad of Wimbledon

Minister of State for South Asia and the Commonwealth, Foreign, Commonwealth and Development Office, on behalf of the Secretary of State for Foreign, Commonwealth and Development Affairs