

**EXPLANATORY MEMORANDUM TO THE  
SUDAN (UNITED NATIONS MEASURES) ORDER 2005**

**2005 No. 1259**

1. This explanatory memorandum has been prepared by Her Majesty's Treasury and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

The Sudan (United Nations Measures) Order 2005 gives effect to certain provisions of United Nations Security Council Resolution (the "UNSCR") 1591 adopted on 29<sup>th</sup> March 2005 relating to financial sanctions and provides for criminal penalties where those sanctions are breached. It also makes other provisions to give practical effect to the UNSCR, notably in relation to the obtaining of information for the purposes of enforcement.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

Following adoption of the UNSCR on 29<sup>th</sup> March 2005, the implementing Order in Council was prepared by the Treasury for the next Privy Council meeting on 7<sup>th</sup> May 2005. The Treasury has acted quickly to adopt the necessary legislation in order to give proper effect to the UNSCR and to deter any possible breach of the financial sanctions; and for that reason the Order will come into force the day after it is laid.

4. **Legislative Background**

- 4.1 UNSCR 1591 requires UN members to impose restrictive measures, including financial sanctions, in relation to specified targets in Sudan and Darfur. The above Order gives effect to the international obligation to impose such financial sanctions in the UK and is made in exercise of the powers conferred by section 1 of the United Nations Act 1946.

- 4.2 FCO will make instruments that implement the restrictive measures imposed by UNSCR 1591 in UK overseas territories.

5. **Extent**

This instrument applies to all of the United Kingdom.

6. **European Convention on Human Rights**

The requirement to make an ECHR statement is not applicable in this instance

as this is not an affirmative instrument and it does not amend primary legislation.

## **7. Policy background**

7.1 The current political situation in the Darfur region of Sudan includes the continued violations of the N'djamena Ceasefire Agreement and the Abuja Protocols by governmental forces and Darfur rebels, and a deteriorating humanitarian situation in the region. In view of this, the UNSCR imposes restrictive measures, including financial sanctions against individuals who:

- impede the peace process;
- constitute a threat to stability in the Darfur region;
- commit violations of international humanitarian law or human rights law or other atrocities;
- violate the arms embargo; or
- are responsible for offensive military overflights in and over the Darfur region.

7.2 This Order represents the UK's compliance with the obligation of implementing those financial sanctions.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies

8.2 The impact on the public sector is negligible.

## **9. Contact**

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