

**EXPLANATORY MEMORANDUM TO THE
DEMOCRATIC REPUBLIC OF THE CONGO (UNITED NATIONS
MEASURES) ORDER 2005**

2005 No. 1517

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 Democratic Republic of the Congo (United Nations Measures) Order 2005 gives effect to certain provisions of United Nations Security Council Resolution 1596 adopted on 18th April 2005 ("UNSCR 1596") 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 1596 on 18th April 2005, the implementing Order in Council was prepared by the Treasury for the Privy Council meeting on 7 June 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 1596 requires UN members to impose restrictive measures, including financial sanctions, in relation to specified targets in the Democratic Republic of Congo. 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 1596 in UK overseas territories.

5. **Extent**

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Not applicable.

7. Policy background

- 7.1 The current political situation in the Democratic Republic of Congo includes continued violations of the arms embargo imposed by UNSCR 1493 of July 2003; and the continuing insecurity engendered by the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district.
- 7.2 In view of this, UNSCR 1596 expands the scope of the existing arms embargo, and imposes new restrictive measures, including financial sanctions against individuals and entities designated under UNSCR 1596.
- 7.3 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

James Russell-Mitra at Her Majesty's Treasury, Tel: 0207 270 4901 or e-mail: James.Russell-Mitra@hm-treasury.gsi.gov.uk can answer any queries regarding the instrument.