

EXPLANATORY MEMORANDUM TO
THE NORTH KOREA (UNITED NATIONS MEASURES)
(OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2009

2009 No.1746

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

2.1 This instrument, The North Korea (United Nations Measures) (Overseas Territories) (Amendment) Order 2009 (“the Order”), gives effect in Overseas Territories to restrictive measures imposed on North Korea by the United Nations Security Council in resolution 1874 adopted on 12th June 2009 and certain aspects of its previous resolution 1718 (2006). This Order amends the North Korea (United Nations Measures) (Overseas Territories) Order 2006 (“the principal Order”).

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

3.1 None. The Order will be made at the Privy Council meeting on 8th July 2009 and laid before Parliament on the following day. The Order will come into force the day after it is laid so that sanctions can be enforced immediately.

4. Legislative Content

4.1 Resolution 1874 (2009) was adopted by the United Nations Security Council on 12 June 2009. It requires Member States to prevent the supply of military goods to North Korea or their procurement from North Korea. In line with EU sanctions, these measures are already contained in the principal Order which this amending Order supplements.

4.2 Previous UN measures have been reflected in the principal Order. Within the EU, an EC Regulation covers the ban on supply of proliferation sensitive goods, their procurement and the supply of luxury goods. In the UK, the existing export controls to prevent the supply or procurement of sensitive goods and technologies are being supplemented. The additional UN measures require to be given effect in the Overseas Territories by this Order. The Order contains prohibitions on the procurement of sensitive goods and technologies or military goods using flag vessels or aircraft, and on providing supply services to North Korean ships believed to be carrying proliferation-sensitive or military goods to or from North Korea, or prohibited luxury goods to North Korea.

4.3 This Order also replaces the definition of “restricted goods” to refer to the list of such goods in the EC Regulation, and adds a definition of “ship supply services”.

5. Territorial Extent and Application

This instrument applies to the following territories: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus, Turks and Caicos Islands and the Virgin Islands. All the territories were consulted. The EC Regulation is directly applicable in Gibraltar.

6. European Convention on Human Rights

This Order is made under the United Nations Act 1946 and although laid is not subject to any Parliamentary procedure. As the instrument is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The UK fully supports the UN measures against North Korea.

7.2 This Order represents the UK's compliance in respect of the applicable Overseas Territories with its obligation to implement the UN restrictive measures.

8. Consultation outcome

8.1 The overseas territories were consulted.

9. Guidance

9.1 Guidance may be sought from the contacts below.

10. Impact

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

10.2 The impact on the public sector is negligible.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 UN sanctions measures are monitored and reviewed by the Security Council.

12.2 If the UN measures are suspended or lifted, this Order will be reviewed and suspended or revoked as necessary.

13. Contact

David Ballantyne at the Foreign and Commonwealth Office, Tel: 020 70082131 or e-mail: david.ballantyne@fco.gov.uk, can answer queries regarding the instrument.