

EXPLANATORY MEMORANDUM TO
THE CENTRAL AFRICAN REPUBLIC (SANCTIONS) (OVERSEAS
TERRITORIES) (AMENDMENT) ORDER 2015

2015 No. 1380

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 Order amends the Central African Republic (Sanctions) (Overseas Territories) Order 2014 (S.I. 2014/1368) (the “Principal Order”).

2.2 This Order gives effect in specified Overseas Territories to certain provisions set out in the United Nations Security Council resolution 2196 (2015) adopted on 22 January 2015 (“UNSCR 2196”). The Order also reflects the implementation of those provisions by the European Union in Council Decision (CFSP) 2015/739 of 7 May 2015 and Council Regulation (EU) 2015/734 of the same date, which amend the provisions of Council Decision 2013/798/CFSP and Council Regulation (EU) No 224/2014 respectively.

2.3 UNSCR 2196 renews, until 29 January 2016, the sanctions against the Central African Republic specified in previous United Nations Security Council resolutions, including resolutions 2127(2013) and 2134 (2014).

2.4 This Order implements certain exemptions to the arms embargo, such as exemptions for supplies and assistance for the support of or use by the United Nations Multi-dimensional Integrated Stabilisation Mission in the Central African Republic.

2.5 The opportunity has also been taken to amend the definition of “funds” in article 3(1) and the exemptions to the asset freeze in article 5(1) of the Principal Order so as to ensure consistency with the provisions of the EU legislation implementing the UN requirements.

2.6 In addition, this Order makes corrections to the Principal Order to delete references to article 5 in articles 7(7) and 8(3) and to replace the cross-reference in paragraph 8 of Schedule 3.

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

3.1 None

4. Legislative Context

4.1 This Order is made in exercise of statutory powers under the United Nations Act 1946, the Saint Helena Act 1833, the British Settlements Acts 1887 and 1945 and the legislative power of the Royal Prerogative.

4.2 The statutory and prerogative powers to legislate for the Overseas Territories, to implement sanctions measures, are applicable to the Overseas Territories as follows:

(i) the United Nations Act 1946 applies to all Overseas Territories;

(ii) the Saint Helena Act 1833 applies to St Helena;

(iii) the British Settlements Acts 1887 and 1945 are applicable to Ascension and Tristan da Cunha, British Antarctic Territory, the Falkland Islands, Pitcairn (including Henderson, Ducie and Oeno Islands), and South Georgia and the South Sandwich islands);

(iv) the prerogative legislative power is applicable to Anguilla, British Indian Ocean Territory, Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

5. Territorial Extent and Application

5.1 This Order applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, the Falkland Islands, Montserrat, Pitcairn (including Henderson, Ducie and Oeno Islands), St Helena, Ascension and Tristan da Cunha, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia, the Turks and Caicos Islands and the

Virgin Islands. Bermuda legislates separately to apply the EU sanctions. These measures are implemented in Gibraltar by Council Regulation (EU) No. 224/2014 and local legislation.

6. European Convention on Human Rights

6.1 As this Order is not subject to Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Having determined that the situation in the Central African Republic constituted a threat to peace and Security, on 5 December 2013 the UN Security Council adopted UNSCR 2127 (2013) which imposed an arms embargo in respect of the Central African Republic. On 28 January 2014 through UNSCR 2134 (2014), the UN Security Council established a targeted sanctions regime against individuals engaging in acts that undermine the peace, stability and security of the Central African Republic; acts that constitute violations or abuses of human rights or humanitarian law; or the illicit trade in diamonds.

7.2 The Security Council, through the adoption of UNSCR 2196, agreed on 22 January 2015 to extend all restrictive measures on the Central African Republic, including the arms embargo, asset freeze and travel ban until 29 January 2016, as well as the mandate of the Expert Panel assisting the Sanctions Committee until 29 February 2016.

8. Consultation

8.1 The Overseas Territories were consulted on this Order in draft.

9. Guidance

9.1 No guidance will be issued.

10. Impact

10.1 There is no impact on business, charities or the voluntary sector in the United Kingdom.

10.2 There is no impact on the public sector in the United Kingdom.

10.3 An Impact Assessment has therefore not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business in the United Kingdom.

12. Monitoring and Review

12.1 UN sanctions are monitored and reviewed by the UN Security Council and by a Sanctions Committee.

12.2 If the UN sanctions are suspended, amended or lifted by the Security Council, this Order will be reviewed and suspended, amended or revoked as necessary.

13. Contact

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