

**THE CENTRAL AFRICAN REPUBLIC (SANCTIONS) (EU EXIT) REGULATIONS
2020**

**REPORT UNDER SECTION 2(4) OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018**

1. This is a report under section 2(4) of the Sanctions and Anti-Money Laundering Act 2018 (“**the Sanctions Act**”) in relation to the Central African Republic (Sanctions) (EU Exit) Regulations 2020 (“**the Regulations**”). Section 2(4) requires a report to be laid before Parliament which explains why the appropriate Minister making regulations under section 1 of the Act considers that carrying out each of the discretionary purposes of the regulations meet one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act¹; 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.
2. Sanctions will continue to contribute to the UK’s efforts to “defend the rules-based international order”. The UK will continue to be a global leader on sanctions, based on the smart, targeted use of sanctions, as part of wider political and diplomatic strategies. The UK will enhance its leadership role in developing robust evidence to support sanctions regimes and designations – for national and multilateral sanctions. At the international level, the UK will continue to seek multilateral cooperation on sanctions in response to shared threats, given that a collective approach to sanctions achieves the greatest impact.
3. The Sanctions Act enables Regulations to be made under section 1(1)(a) for the purposes of compliance with a United Nations (UN) obligation. No section 2(4) report is required in relation to such a purpose. Acting under Chapter VII of the UN Charter, the UN Security Council (UNSC) may impose sanctions where it has determined the existence of a threat to international peace and security. The UN Security Council adopts the regime through a UN Security Council Resolution (UNSCR). UNSCRs set out the parameters of the sanctions to be imposed, including the types of sanctions measures, any exemptions, and listing criteria; designations are usually made on the face of a UNSCR or by a Sanctions Committee (a sub-committee of the Security Council) established under the relevant UNSCR. All UN member states are obliged as a matter of international law to implement UN sanctions. For the UK these UN obligations are currently implemented through EU legislation and related UK legislation. After the Transition Period, the UK will meet this obligation by making regulations under the Sanctions Act.
4. The UN sanctions regime in relation to the Central African Republic was introduced in December 2013 by Security Council Resolution 2127, which imposed an arms embargo in response to concerns at the continuing deterioration of the security situation in the country. In January 2014 the UN adopted Resolution 2134 which imposed an asset freeze and travel ban on those persons or entities who were acting to undermine the peace, stability and security of the Central African Republic, or that threaten or impede the political transition process, or that fuel violence. The UN has adopted a number of Resolutions since then including 2399 (2018) and 2507 (2020) to further strengthen and extend the targeted sanctions.

5. The Sanctions Act enables regulations to be made under section 1(1)(c) for ‘discretionary’ purposes that are within section 1(2) of the Act, including, amongst others, national security, maintaining international peace and security, supporting UK foreign policy objectives, and responding to or deterring gross violations of human rights. This report considers why carrying out each of the discretionary purposes of the Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act; why there are good reasons to pursue these purposes; and why the imposition of sanctions is a reasonable course of action for these purposes.
6. Measures provided for in these Regulations will have the effect of implementing the UK’s UN obligations. These include the majority of the restrictions on trade with the Central African Republic mentioned above at paragraph 4. They also include the asset freeze on persons designated by the Security Council or the Sanctions Committee established under Resolution 2127, persons acting on their behalf and at their direction and on other categories of person prescribed in the UN Security Council resolutions.
7. The main measures which can be implemented other than for the purpose of compliance with UN obligations, and which are the subject of this report, are the financial sanctions (including asset freezes) and immigration sanctions (travel bans) on persons designated by a Minister under these Regulations (otherwise than in compliance with the UK’s UN obligations).

Purposes and reasons for pursuing the purposes

8. The discretionary purposes (i.e. purposes other than compliance with UN obligations) as set out in regulation 4 of the Regulations, that are made under section 1 of the Act, have the following purposes: –
 - (a) promoting the peace, stability and security of the Central African Republic,
 - (b) encouraging the resolution of the armed conflicts and encouraging the stabilisation and reconciliation process including compliance with, and implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic ⁽¹⁾,
 - (c) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in the Central African Republic, including—
 - (i) the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA) ⁽²⁾,
 - (ii) the European Union Training Mission ⁽³⁾,
 - (iii) the European Union Advisory Mission⁽⁴⁾,

1. The Political Agreement for Peace and Reconciliation in the Central African Republic between the Central African Republic authorities and 14 armed groups done in Bangui on 6th February 2019.

2. The United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA), was established by paragraph 18 of resolution 2149 (2014) adopted by the Security Council on 10 April 2014.

3 The European Union Training Mission (EUTM RCA) was established by Council Decision (CFSP) 2016/610 of 19 April 2016 on a European Union CSDP Military Training Mission in the Central African Republic (EUTM RCA). The mandate of the mission was extended by Council Decision (CFSP) 2018/1082 of 30 July 2018 amending Decision (CFSP) 2016/610 on a European Union military training mission in the Central African Republic.

4 The European Union Advisory Mission (EUAM RCA) was established by Council Decision (CFSP) 2019/2110 of 9 December 2019 on the European Union CSDP Advisory Mission in the Central African Republic.

- (d) promoting respect for humanitarian assistance activity in the Central African Republic,
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in the Central African Republic, and
- (f) promoting respect for human rights in the Central African Republic, including, in particular, respect for:—
 - (i) the right to life of persons in the Central African Republic
 - (ii) the right of persons in the Central African Republic not to be held in slavery or required to perform forced or compulsory labour;
 - (iii) the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in the Central African Republic;
 - (iv) the right to liberty and security of persons in the Central African Republic, including freedom from arbitrary arrest, detention or enforced disappearance,
 - (v) the right to a fair trial of persons charged with criminal offences in the Central African Republic,
 - (vi) the rights of journalists, human right defenders, civil society activists and other persons in the Central African Republic to freedom of expression and peaceful assembly;
 - (vii) the enjoyment of rights and freedoms in the Central African Republic without discrimination, including on the basis of a person's sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

9. Carrying out these purposes meets one or more of the conditions set out in section 1(2) of the Act. In particular, carrying out these purposes would fall within the purpose of paragraphs to:

- (2)(c) be in the interests of international peace and security;
- (2)(d) further a foreign policy objective of the government of the United Kingdom;
- (2)(e) promote the resolution of armed conflicts of the protection of civilians in conflict zones;
- (2)(f) provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote compliance with international human rights law, or respect for human rights;
- (2)(g) promote compliance with international humanitarian law; and
- (2)(i) promote respect for democracy, the rule of law and good governance.

10. There are good reasons for pursuing these purposes. The UK's policy on the Central African Republic consists of a dual track approach of pressure and engagement, with robust sanctions forming an important part of the pressure track. Her Majesty's Government's (HMG) objective is to continue to support the international pressure campaign to prevent the proliferation of illegal arms trafficking particularly on the borders with neighbouring countries, which could lead to regional contagion. The December 2019 UN Panel of Experts Report ⁽⁵⁾ confirms that armed groups

⁵ S/2019/930 Final Report of the Panel of Experts in accordance with paragraph 4 of resolution 2454 (2019) <https://undocs.org/S/2019/930>

continue to violate the 2019 Peace Accord and militia groups are regularly obtaining arms and are responsible for widespread atrocities committed against civilians. HMG continues to push for the rigorous implementation of existing sanctions to hold accountable those who would seek to exploit the fragile security situation and support the international community's efforts through training missions to encourage the Central African Republic Government to make improvements to the security sector. Sanctions also support efforts to hold perpetrators to account for human rights abuses against vulnerable groups including killings, torture and other cruel, inhuman or degrading treatment, sexual violence, and the recruitment and use of children in armed conflict, as well as supporting efforts by the international community to promote respect for human rights within the Central African Republic.

Why sanctions are a reasonable course of action

11. The imposition of financial sanctions (including asset freezes) and immigration sanctions (travel bans) of the kind imposed by these Regulations (other than those required for compliance with the UK's UN obligations) is a reasonable course of action for the purpose of influencing a change in behaviour from the Central African Republic Government and the militia groups.
12. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. HMG believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
13. The efforts by the international community to put pressure on the Central African Republic Government and non-governmental actors means that putting sanctions in place is a reasonable measure to take. National, regional and international stakeholders continue to express support for the 2019 Peace Accord and to take action to facilitate its implementation. For example, participants in the high level meetings chaired by the guarantors of the 2019 Peace Accord (the African Union and the Economic Community of Central African States) called for action, including sanctions against those committing violations, to support the improvements in the fragile security situation in Central African Republic since the signing of the 2019 Peace Accord.
14. These Regulations provide that persons designated by the Secretary of State may be subject to financial and immigration sanctions. These restrictions include an asset freeze prohibiting a designated person's funds and economic resources from being dealt with, and prohibiting funds and economic resources from being made available to or for the benefit of a designated person, directly or indirectly) and travel ban. These restrictions can only be imposed upon specified individuals and entities who meet the criteria set out in the Regulations. The intention is to apply pressure in order to enable the Central African Republic Government to focus on stabilisation and reconciliation processes, and to send a strong message of disapproval to those who continue to commit violations of the 2019 Peace Accord. The Regulations allow for derogations to the travel ban (subject to directions) and also provide for the financial sanctions to be subject to certain exceptions and a licensing framework. The exceptions and licensing provisions support the reasonableness of imposing these sanctions measures on designated persons, as they mitigate any possible negative or counter-productive impacts.
15. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals with regard to the Central African Republic. With no permanent

presence in country, direct lobbying alone has not proved sufficient. The UK is therefore combining sanctions with bilateral lobbying where possible, lobbying through international frameworks, supporting UN resolutions and supporting the work of the UN Panel of Experts, which assists the UN's Central African Republic Sanctions Committee.

16. The policy intention is to keep the sanctions on the Central African Republic in place until HMG is assured that there has been an improvement in the areas of concern outlined in the purposes of these Regulations. The FCO will continue to coordinate with international partners, including supporting the international pressure campaign and to push for the rigorous implementation of existing UN sanctions. The UK Government will continue to coordinate with international partners, including on the future of the sanctions regime.
17. The Regulations also impose supplemental prohibitions and requirements, in particular those relating to the disclosure of confidential information, the reporting of information by relevant firms, and the holding of records. These kind of prohibitions and requirements ensure that certain information is appropriately held by those involved with the operation of the sanctions regime, and that certain information is provided to authorities, and ensure that certain sensitive information is treated securely. These kinds of prohibitions and requirements enable the government to properly operate and enforce the sanctions regime, and therefore their imposition is also considered a reasonable course of action for the purposes of the Regulations.

Conclusions

18. The discretionary purposes of these Regulations are: promoting peace, stability and security in the Central Africa Republic; encouraging the resolution of the armed conflicts and encouraging the stabilisation and reconciliation process including compliance with, and implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic; promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in the Central African Republic; promoting respect for humanitarian assistance activity in the Central African Republic; promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in the Central African Republic, and promoting respect for human rights in the Central African Republic. For the reasons set out in this report, carrying out those purposes meets conditions in section 1(2) of the Act. As set out in this report, there are good reasons for pursuing those purposes, and the imposition of financial sanctions (including asset freezes) and immigration sanctions (travel bans) of the kind imposed by these Regulations (other than those required for compliance with the UK's UN obligations) is a reasonable course of action for those purposes.

Lord Ahmad of Wimbledon

**Minister of State, Foreign and Commonwealth Office, on behalf of the Secretary of
State for Foreign and Commonwealth Affairs**

ⁱ Section 1(2) states:

"A purpose is within this subsection if the appropriate Minister making the regulations considers that carrying out that purpose would –

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- a) *further the prevention of terrorism, in the United Kingdom or elsewhere,*
 - b) *be in the interests of national security,*
 - c) *be in the interests of international peace and security,*
 - d) *further a foreign policy objective of the government of the United Kingdom,*
 - e) *promote the resolution of armed conflicts or the protection of civilians in conflict zones,*
 - f) *provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote -*
 - (i) *compliance with international human rights law, or*
 - (ii) *respect for human rights,*
 - g) *promote compliance with international humanitarian law,*
 - h) *contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction, or*
 - i) *promote respect for democracy, the rules of law and good governance.”*