

**EXPLANATORY MEMORANDUM TO  
THE DEMOCRATIC REPUBLIC OF THE CONGO (SANCTIONS) (OVERSEAS  
TERRITORIES) ORDER 2015**

**2015 No. 1382**

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 gives effect in specified Overseas Territories to sanctions measures imposed on the Democratic Republic of the Congo by the United Nations Security Council, most recently renewed by resolution 2198 (2015) of 29 January 2015. This Order also reflects implementation of these sanctions by the European Union in Council Decision 2010/788/CFSP adopted on 20 December 2010 and Council Regulation 1183/2005 adopted on 18 July 2005, as amended by Council Decision 2015/620/CFSP and Council Regulation 2015/613, both adopted on 20 April 2015.

2.2 The sanctions comprise an arms embargo against non-governmental persons in the Democratic Republic of the Congo and an asset freeze and travel ban on individuals designated under the regime. The criteria under which persons can be designated include engaging in, or providing support for, acts that threaten the peace, stability or security of the Democratic Republic of the Congo.

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

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**

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 1183/2005 and local legislation.

## **6. European Convention on Human Rights**

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

## **7. Policy background**

The UK supports the UN sanctions regime in the Democratic Republic of the Congo which includes an arms embargo against non-governmental persons in the Democratic Republic of the Congo and an asset freeze and travel ban on designated individuals and entities. Targeted sanctions will be aimed, in particular, at those: acting in violation of the arms embargo; recruiting or using children in armed conflict in the Democratic Republic of the Congo; political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups; obstructing the access to or the distribution of humanitarian assistance in the Democratic Republic of the

Congo. The UN sanctions measures have been renewed until 1 July 2016 and will require a further resolution of the UN Security Council to be maintained beyond that period.

**8. Consultation Outcome**

The Overseas Territories have been consulted on the Order in draft.

**9. Guidance**

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**

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 or lifted by the Security Council, this Order will be reviewed and suspended or revoked as necessary.

**13. Contact**

Christopher Stephen at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 2740. Email:

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