EXPLANATORY MEMORANDUM TO THE

DEMOCRATIC REPUBLIC OF THE CONGO (UNITED NATIONS SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2005

2005 No. 1461

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

2. Description

2.1 This instrument (the Order) gives effect in the Overseas Territories (except Gibraltar) to financial sanctions agreed in Resolution 1596 adopted by the Security Council of the United Nations on 18th April 2005.

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

3.1 None

4. Legislative background

4.1 On 18th April 2005 the Security Council of the United Nations adopted Resolution 1596 (the Resolution). The Resolution imposes financial sanctions on persons designated as acting in violation of the arms embargo ("designated persons") by the Sanctions Committee established by paragraph 8 of resolution 1533 (2004) adopted by the Security Council of the United Nations on 12th March 2004. This Order implements the financial sanctions in the Overseas Territories.

4.2 The Resolution also strengthens an existing arms embargo which is implemented in the Overseas Territories in the Democratic Republic of the Congo (Restrictive Measures) (Overseas Territories) Order 2003 (SI 2003 No. 2627).

4.3 The Resolution imposes a travel ban against designated persons which is implemented administratively by the Overseas Territories.

5. Extent

5.1 This instrument applies to the following territories: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena, St Helena Dependencies, South Georgia and the South Sandwich Islands, Turks and Caicos Islands, and the UK Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus. All the territories were consulted. The instrument does not apply to Gibraltar, which will legislate separately.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 A United Nations arms embargo on the east of the Democratic Republic of Congo (DRC) has been in place since July 2003 by virtue of United Nations Security Council Resolution 1493. However, continuing illicit arms flows to the DRC contribute to the prolonged instability in the DRC and the region. These strengthened United Nations measures were adopted by the

Security Council to further target weapons flows particularly to the provinces of Ituri and the Kivus in the east of the DRC where fighting still affects the lives of millions of civilians.

7.2 Furthermore, the extension of the United Nations embargo to the entire DRC and targeted measures against embargo violators sends a strong signal to those contributing to the continuing conflict in the region. It will also ensure that international attention and pressure continues to be placed on those responsible for perpetuating the climate of insecurity in the eastern provinces of the DRC and the surrounding Great Lakes region of Africa.

7.3 Given the continuing conflict in the region the Security Council of the United Nations deemed it appropriate to strengthen the restrictive measures against the Democratic Republic of the Congo.

8. Impact

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

9. Contact

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