EXPLANATORY MEMORANDUM TO

THE ERITREA (SANCTIONS) (OVERSEAS TERRITORIES) (REVOCATION) ORDER 2019

2019 No. 184

1. Introduction

1.1 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 revokes the Eritrea (Sanctions) (Overseas Territories) Order 2012 (S.I. 2012/2751), which gave effect in specified Overseas Territories to sanctions adopted by the United Nations Security Council in respect of Eritrea.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is not subject to parliamentary procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

4.1 The extent of this instrument is: Anguilla, British Antarctic Territory, British Indian Ocean Territory, the 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 ("the Territories").

4.2 The application of this instrument is the Territories.

5. European Convention on Human Rights

5.1 As the instrument is not subject to parliamentary procedure, no statement is required.

6. Legislative Context

6.1 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.

6.2 The statutory and prerogative powers to legislate for the Territories to implement enforcement measures associated with the application of sanctions are applicable to the 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, the Cayman Islands, Montserrat, the Sovereign Base Areas of Akrotiri and Dhekelia, Turks and Caicos Islands, and the Virgin Islands.

7. Policy background

What is being done and why?

7.1 The Eritrea (Sanctions) (Overseas Territories) Order 2012 gave effect in the Territories to sanctions adopted by the United Nations Security Council in respect of Eritrea.

7.2 On 14 November 2018, the United Nations Security Council adopted resolution 2444 (2018), which, among other things, lifted the arms embargo, travel bans, asset freezes and targeted sanctions imposed on Eritrea by the Security Council with immediate effect. The Council of the European Union subsequently adopted Council Decision (CFSP) 2018/1944 and Council Regulation (EU) 2018/1932 both of 10 December 2018, which gave effect to the lifting of the United Nations sanctions regime by repealing the existing EU restrictive measures against Eritrea.

7.3 The Order gives effect to the repeal of the Eritrea regime in the Territories.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 As this revokes existing legislation, there is no need for consolidation.

10. Consultation outcome

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

11. Guidance

11.1 No guidance will be issued.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies in the United Kingdom.

12.2 There is no, or no significant, impact on the public sector in the United Kingdom.

12.3 An Impact Assessment has not been prepared for this instrument.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses in the United Kingdom.

14. Monitoring & review

14.1 As this Order provides for the revocation of an earlier Order, monitoring and review mechanisms are not required.

15. Contact

15.1 Jonathan Hollis at the Foreign and Commonwealth Office Telephone: 0207 008 6123 or email: jonathan.hollis@fco.gov.uk can be contacted with any queries regarding the instrument.

15.2 Nicola Smith, Legal Counsellor at the Foreign and Commonwealth Office, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Harriet Baldwin, Minister of State at the Foreign and Commonwealth Office, can confirm that this Explanatory Memorandum meets the required standard.