EXPLANATORY MEMORANDUM TO

THE HAITI (SANCTIONS) (AMENDMENT) REGULATIONS 2025

2025 No. 786

1. Introduction

1.1 This explanatory memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Stephen Doughty MP, Minister of State for Europe, North America and the Overseas Territories at the Foreign, Commonwealth and Development Office, can confirm that this Explanatory Memorandum meets the required standard.

2.2 Abigail Culank, Deputy Director for Sanctions at the Foreign, Commonwealth and Development Office can confirm that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Sanctions Directorate at the Foreign, Commonwealth and Development Office, Telephone: 0207 008 8553 or email: fcdo.correspondence@fcdo.gov.uk, can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Haiti (Sanctions) Regulations 2022 (S.I. 2022/1281) (the "2022 Regulations") to give full effect in domestic law to the UK's United Nations ("UN") obligations, by reflecting changes made by UN Security Council Resolution ("UNSCR") 2752 (2024).

4.2 In particular, this instrument inserts reference to UNSCR 2752, such that the UK's obligations under UNSCR 2653 (2022) are read alongside UNSCR 2752. This instrument further modifies the scope of the arms embargo within the 2022 Regulations in line with UNSCR 2752, which replaced the arms embargo under UNSCR 2653 with a wider arms embargo, covering "arms and related material of all types" and "technical assistance, training, financial or other assistance, related to military activities".

Where does the legislation extend to, and apply?

4.3 This instrument extends to the whole of the United Kingdom.

4.4 The territorial application of this instrument is the same as the territorial application of the instrument that it amends.

4.5 This instrument also applies to conduct by UK persons where that conduct is wholly or partly outside the UK, and to conduct undertaken by any person in the territorial sea adjacent to the UK. "UK person" is defined in section 21(2) of the Sanctions and Anti-Money Laundering Act 2018 ("the Sanctions Act").

5. Policy Context

What is being done and why?

5.1 Haiti faces a range of deep-rooted challenges including chronic insecurity linked to armed criminal gangs, people trafficking, drugs, human rights, governance, poverty, climate change, food security and humanitarian crises. UNSCR 2653 established a sanctions regime to respond to these challenges, imposing a targeted arms embargo, travel ban, and asset freeze on designated individuals and entities within Haiti with the objective of restoring peace, security and stability to the country. The 2022 Regulations were made in order to ensure UK compliance with its UN obligations regarding Haiti sanctions under UNSCR 2653 and subsequent UNSCRs (2699 [2023], 2700 [2023] and 2752 [2024]). 7 individuals are currently designated under this regime.

5.2 On 18 October 2024, UNSCR 2752 was adopted. This renewed the travel ban and asset freeze established by UNSCR 2653 and provided that activities relevant to the designation criteria for imposing these measures (as set out in paragraph 15 of UNSCR 2653) should include individuals "engaging in activities that destabilize Haiti through the illicit exploitation or trade of natural resources". UNSCR 2752 also replaced the arms embargo contained in UNSCR 2653 (as amended by UNSCR 2699) with a wider embargo covering "arms and related material of all types", as well as "technical assistance, training, financial or other assistance, related to military activities". This instrument amends the 2022 Regulations to reflect the changes made by UNSCR 2752.

What was the previous policy, how is this different?

5.3 As referenced above, this legislation makes a series of modifications to the 2022 Regulations to give full effect in domestic law to the UK's international obligations conferred by UNSCR 2752.

5.4 UNSCR 2752 replaced the arms embargo contained in UNSCR 2699 (2023), which covered the supply, sale or transfer of "small arms, light weapons, and ammunition" to Haiti, with a wider embargo on "arms and related material of all types", as well as "technical assistance, training, financial or other assistance, related to military activities". This instrument modifies the scope of the arms embargo within the 2022 Regulations in line with UNSCR 2752.

5.5 UNSCR 2752 also clarified that the activities for which a person may be designated for the purposes of a travel ban and asset freeze include individuals "engaging in activities that destabilize Haiti through the illicit exploitation or trade of natural resources".

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument is made in exercise of powers conferred by section 1 of the Sanctions Act. Section 1 enables sanctions regulations to be made for various purposes, including compliance with UN obligations. These Regulations are made under section 1(1)(a) of the Sanctions Act in accordance with procedure specified in section 55(6) of the Sanctions Act. When this instrument comes into force, it will give full effect in domestic law to the UK's obligations under UNSCR 2752.

6.2 As above, this instrument modifies the scope of the arms embargo within the 2022 Regulations in line with UNSCR 2752 so that "arms and related material of all types"

and "technical assistance, training, financial or other assistance, related to military activities" are covered. UNSCR 2752 also clarified that the activities for which a person may be designated for the purposes of a travel ban and asset freeze include individuals "engaging in activities that destabilize Haiti through the illicit exploitation or trade of natural resources".

Why was this approach taken to change the law?

6.3 Amending the 2022 Regulations under the legal framework provided by the Sanctions Act is considered to be the most effective and appropriate way to change the law to reflect the UK's UN obligations in domestic law.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation has been carried out on this instrument. The Explanatory Memorandum to the 2022 Regulations explains that consultation was carried out in relation to the Sanctions Act.

7.2 There is neither a requirement in the Sanctions Act for public consultation on instruments made under the Act, nor is there any other legal obligation to consult in respect of this instrument. His Majesty's Government will continue to engage with stakeholders on the implementation of UK sanctions.

8. Applicable Guidance

8.1 In accordance with section 43 of the Sanctions Act, guidance will be published on gov.uk in relation to the prohibitions and requirements under this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no significant impact on business, charities or voluntary bodies as this is an update to existing legislation.

9.3 The instrument does not impact small or micro businesses.

9.4 There is no impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 If the UN determined that it was no longer appropriate to maintain the Haiti sanctions regime or that it should be modified, and issued a resolution to that effect, the 2022 Regulations would be amended accordingly. As such, the Minister does not consider that a review clause in this instrument is appropriate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument contains UN regulations within the meaning of section 55(7) of the Sanctions Act and is therefore subject to the negative resolution procedure in accordance with section 55(6). It is laid before Parliament on 2 July 2025 and comes into force on 23 July 2025.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.