EXPLANATORY MEMORANDUM TO

THE LIBERIA (RESTRICTIVE MEASURES) (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2012

2012 No. 2749

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

This Order further amends the Liberia (Restrictive Measures) (Overseas Territories) Order 2004 (S.I. 2004 No.347) to give effect in specified Overseas Territories to the modified arms embargo applicable in respect of Liberia as provided for in United Nations Security Council resolution (UNSCR) 1903 (2009). UNSCR 1903 modified the scope of the embargo to apply only to non-governmental entities and individuals in Liberia.

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 Settlement 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 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 independently to impose restrictive measures. These measures are implemented in Gibraltar by Council Regulation (EU) No 493/2010 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

7.1 UNSCR 1521(2003) imposed sanctions on Liberia to address the proliferation of arms in the sub-region and the presence of non-State actors who continued to constitute a threat to the peace process in Liberia. This sanctions regime included an arms embargo.

7.2 In 2009, the United Nations Security Council recognised the progress made by the Government of Liberia by adopting UNSCR 1903 (2009). This reduced the scope of the arms embargo so that it applied only to non-governmental entities and individuals in the territory of Liberia. An asset freeze on designated individuals and entities and a travel ban on designated individuals remain in force.

8. Consultation outcome

The Overseas Territories to which the Order applies were consulted about the Order.

9. Guidance

Guidance may be sought from the contact below.

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 restrictive measures are monitored and reviewed by the UN Security Council, and by a Sanctions Committee and a Group of Experts.

12.2 If the UN measures are suspended or lifted by the Security Council, the 2004 Order, as amended by this Order, will be reviewed and suspended or revoked as necessary.

13. Contact

Gerry Regan at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 6207. E-mail: gerry.regan@fco.gov.uk.