EXPLANATORY MEMORANDUM TO

THE MALI (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2017

2017 No. 1107

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 implements a new United Nations sanctions regime against Mali in the Overseas Territories. The United Nations Security Council adopted sanctions against Mali, including an asset freeze and travel ban against persons designated by the relevant Sanctions Committee, in resolution 2374 (2017) adopted on 5 September 2017.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is not subject to any Parliamentary procedure, consideration as to whether there are other matters of interest to the House of Commons does not arise.

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. Extent and Territorial Application

5.1 The extent of this instrument is: 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 ("the Territories").

5.2 The application of this instrument is the Territories and:

(a) any person elsewhere who is a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person and is ordinarily resident in a Territory;

(b) a body incorporated or constituted under the law of a Territory; and

(c) any person onboard a ship or aircraft that is registered in a Territory.

6. European Convention on Human Rights

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

7. Policy background

What is being done and why

7.1 On 5 September 2017, the United Nations Security Council adopted targeted sanctions against Mali in resolution 2374 (2017). The measures include an asset freeze and travel ban against persons responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security, or stability of Mali.

7.2 The European Union adopted Council Decision 2017/1775 and Council Regulation (EU) 2017/1770 on 28 September 2017, implementing the UN sanctions against Mali.

7.3 At the current time, no individuals or entities have been designated by the Sanctions Committee for Mali, which was established under resolution 2374 (2017). However, this Order allows for the implementation of the sanctions against persons who are designated in the future.

Consolidation

7.4 As this is a new sanctions regime, there is no need for consolidation. The Foreign and Commonwealth Office will keep the need for consolidation under review.

8. Consultation outcome

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

9. Guidance

9.1 No guidance will be issued.

10. Impact

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

10.2 There is no impact on the public sector in the United Kingdom.

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

11. Regulating small business

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

12. Monitoring & review

12.1 United Nations sanctions are monitored and reviewed by the United Nations Security Council, and European Union measures are monitored and reviewed by the Member States of the European Union. This Order will be reviewed and amended as appropriate following any further modifications to the sanctions regime by the United Nations and European Union.

13. Contact

13.1 Natasha Harrington at the Foreign and Commonwealth can answer queries regarding the instrument. Telephone: +44 (0)20 7008 6123 or email: Natasha.harrington@fco.gov.uk