**EXPLANATORY MEMORANDUM TO**

**THE NORTH KOREA (UNITED NATIONS MEASURES) (OVERSEAS TERRITORIES) ORDER 2006**

**2006 No. 3327**

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

## 2. Description

This instrument, The North Korea (United Nations Measures) (Overseas Territories) Order 2006 ("the Order"), gives effect in Overseas Territories to restrictive measures imposed on North Korea by the United Nations Security Council in resolution 1718 adopted on 14th October 2006. These measures require the imposition of a ban on supply of sensitive goods and technologies, related technical and financial assistance, and luxury goods to North Korea, procurement of sensitive goods and technologies from North Korea, and a travel ban and assets freeze on designated persons.

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

3.1 None. The Order will be made at the Privy Council meeting on 14th December 2006 and laid before Parliament on the following day. The Order will come into force the day after it is laid so that sanctions can be enforced immediately.

## 4. Legislative Background

These UN measures have been reflected within the European Union in a Common Position, and an EC Regulation covering the ban on related assistance and luxury goods, and the asset freeze, is about to be finalised. An Order under the United Nations Act 1946 has already given effect to the asset freeze in the UK, where the existing export controls operate to prevent the supply of sensitive goods and technologies. In the UK the travel ban is to be given effect under the Immigration Act 1971. The UN measures require to be given effect in the Overseas Territories by this Order, which is also made under the United Nations Act 1946. The Order contains prohibitions on the supply or procurement of sensitive goods and technologies, related technical and financial assistance, dealing with funds of designated persons associated with North Korea's nuclear, WMD and ballistic missile programmes and making funds available to such persons, backed by criminal penalties and investigative powers. The travel ban is to be given effect under existing Overseas Territories' immigration legislation.

## 5. Extent

This instrument applies to the following territories: Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus, Turks and Caicos Islands and the Virgin Islands. All the territories were consulted. The EC Regulation is directly applicable in Gibraltar which is to enact the remaining UN measures.

## 6. European Convention on Human Rights

This Order is made under the United Nations Act 1946 and although laid is not subject to any Parliamentary procedure. There are no human rights implications.

## 7. Policy Background

7.1 The UK fully supports the UN measures against North Korea.

7.2 This Order represents the UK's compliance in respect of the applicable Overseas Territories with its obligation to implement the UN restrictive measures.

## 8. Impact

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

8.2 The impact on the public sector is negligible.

## 9. Contact

David Ballantyne at the Foreign and Commonwealth Office, Tel: 020 7008 2131 or e-mail: david.ballantyne@fco.gov.uk, can answer queries regarding the instrument.