EXPLANATORY MEMORANDUM TO

THE SOUTH SUDAN (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2014

2014 No. 2703

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 gives effect in specified Overseas Territories to sanctions imposed on South Sudan by the European Union in Council Decision 2014/449/CFSP adopted on 10 July 2014.

2.2 The sanctions imposed include an arms embargo and an asset freeze and travel ban on individuals designated under the regime. The criteria under which persons can be designated include obstructing the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan, and natural or legal persons associated with them.

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 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 Saint Helena Act 1833 applies to St Helena;

(ii) 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);

(iii) 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 separately to apply the EU sanctions. These measures are implemented in Gibraltar by Council Regulation 748/2014 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

The UK supports the imposition of EU sanctions measures in relation to South Sudan. Despite agreeing to cease hostilities on 23 January 2014 and making subsequent commitments, both sides in South Sudan's conflict have failed to abide by their commitments to cease hostilities and negotiate peacefully. Balanced and incremental pressure, including through targeted EU sanctions, is intended to influence both sides to resolve the conflict through dialogue.

8. Consultation Outcome

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

9. Guidance

No guidance will be issued.

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 EU sanctions measures are monitored and reviewed by the Council of the European Union.

12.2 Amendments will be made to this legislation following any further modifications to the sanctions regime by the Council of the European Union.

13. Contact

Christopher Stephen at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 2740. Email: christopher.stephen@fco.gov.uk