EXPLANATORY MEMORANDUM TO

THE YEMEN (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2015

2015 No. 218

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 Yemen by United Nations Security Council resolution 2140 (2014) of 26 February 2014. The Order reflects designations by the United Nations Sanctions Committee on 7 November 2014, and implementation of these sanctions by the European Union in Council Decision 2014/932/CFSP.

2.2 The sanctions impose an asset freeze and travel ban against individuals, and an asset freeze against entities, designated by the United Nations Sanctions Committee as engaging in, or providing support for, acts that threaten the peace, security or stability of Yemen.

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 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. 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 747/2014 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 UN sanctions regime in Yemen which includes an asset freeze on designated individuals and entities. Targeted sanctions will be aimed, in particular, at those: obstructing or undermining the successful completion of the political transition, as outlined in the GCC Initiative and Implementation Mechanism Agreement; impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence; and, planning, directing or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen. The UN sanctions were imposed for an initial period of one year (from 26

February 2014), and require a decision of the United Nations Security Council to be maintained beyond that period.

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 UN sanctions are monitored and reviewed by the UN Security Council and by a Sanctions Committee.

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

13. Contact

Andrew Murdoch at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 1692. Email: andrew.murdoch@fco.gov.uk.