

**EXPLANATORY MEMORANDUM TO
THE IVORY COAST (RESTRICTIVE MEASURES) (OVERSEAS
TERRITORIES) ORDER 2005**

2005 No. 242

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

2. Description

This instrument implements United Nations and EU sanctions against Ivory Coast (Cote d'Ivoire).

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

None.

4. Legislative background

- 4.1 This instrument gives effect to certain measures in resolution 1572 adopted by the Security Council of the United Nations on 15 November 2004, and to Common Position 2004/852/CFSP adopted by the Council of the European Union on 13 December 2004.. UNSCR 1572 (2004) amongst other things imposes an arms embargo, with certain exemptions, on Ivory Coast with immediate effect; and provides for an assets freeze and travel ban against certain persons with effect from 15 December 2004. The targeted persons will be those designated by the Sanctions Committee as constituting a threat to the peace and national reconciliation process in Ivory Coast. Common Position CSFP/852/2004 extends the arms embargo to equipment which might be used for internal repression and bans financial assistance related to military activities subject to the embargo. Aspects of the sanctions falling within Community competence will be implemented by EC Regulations.
- 4.2 This instrument applies to the territories listed in 5.1 below. Bermuda adopts its own legislation to implement EU Common Positions as the UK does not have power to legislate for Bermuda in this respect. Gibraltar is covered by the EC Regulations and takes its own action to implement arms embargoes and to provide penalties for breach of EC Regulations.
- 4.3 This Order is made pursuant to section 112 of the Saint Helena Act 1833 (1833 c. 85), the British Settlement Acts 1887 and 1945 (1887 c. 54 and 1945 c.7), and prerogative powers.

5. Extent

This instrument applies to the following territories: Anguilla, 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, the Turks and Caicos Islands and the Virgin Islands. All the territories were consulted.

6. European Convention on Human Rights

Not applicable.

7. Policy background

This instrument gives effect to restrictive measures against Ivory Coast imposed by the Security Council acting under Chapter VII of the UN Charter and the EU, following the resumption of hostilities there and the repeated violations of the ceasefire agreement of 3 May 2003.

8. Impact

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

9. Contact

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