

EXPLANATORY MEMORANDUM TO
THE LEBANON AND SYRIA (UNITED NATIONS MEASURES)
(OVERSEAS TERRITORIES) ORDER 2006

2006 No.311

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

The Lebanon and Syria (United Nations Measures) (Overseas Territories) Order 2006 (“the Order”) gives effect to certain provisions of United Nations Security Council Resolution 1636 (2005) adopted on 31st October 2005 (“UNSCR 1636”). UNSCR 1636 requires States to take measures to freeze the funds, financial assets and economic resources of individuals suspected of an involvement in the terrorist bombing incident on 14th February 2005 in which former Lebanese Prime Minister Hariri was assassinated. The Order creates prohibitions and criminal penalties to give effect to these and other related measures from UNSCR 1636, including provision for the obtaining of information for the purposes of investigation and enforcement.

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

3.1 An International Independent Investigation Commission (“the Investigation Commission”) has been established to investigate the assassination of former Lebanese Prime Minister Hariri. It reported back to the UN Security Council on 12 December 2005.

3.2 The Investigation Commission’s report is likely to result in the registration of individuals to whom the financial sanctions will apply. It is important that these financial sanctions are given immediate effect, so that the individuals concerned cannot act to frustrate their purpose.

3.3 The Foreign and Commonwealth Office must adopt the necessary legislation in order to give proper effect to UNSCR 1636 in the Overseas Territories and to prevent the avoidance or breach of the financial sanctions. The Order in Council is to be made at the Privy Council meeting on 14th February 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 immediately be enforced.

4. Legislative Background

UNSCR 1636 directs States to freeze the assets of individuals designated by the Investigation Commission or the Government of Lebanon and registered by a

Committee of the Security Council as suspected of having been involved in the terrorist bombing incident of 14th February 2005. The Order gives effect to the international obligation to impose such financial sanctions in the Overseas Territories and is made in exercise of the powers conferred by section 1 of the United Nations Act 1946. The obligation to impose financial sanctions in the United Kingdom has already been implemented by Order in Council: The Lebanon and Syria (United Nations Measures) Order (SI 2005 No.3432) made on 14th December 2005.

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 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.

6. Policy Background

6.1 On 14th February 2005, in a terrorist bombing, former Lebanese Prime Minister Rafik Hariri and others were assassinated in Beirut. In reaction, pursuant to UNSCR 1595 (2005), the Security Council established the Investigation Commission to assist the Lebanese authorities in their inquiry into all aspects of the assassination, including identifying its perpetrators, sponsors, organisers, and their accomplices.

6.2 On 19th October 2005, the Investigation Commission delivered to the Security Council a “Report of the International Independent Investigation Commission Established Pursuant to Security Council Resolution 1595” which implicated numerous high-level Syrian and Lebanese officials in the assassination.

6.3 In response to the Report, the Security Council adopted UNSCR 1636 which directs member states to freeze the assets of individuals registered by a Committee of the Security Council as suspected of having been involved in the terrorist bombing incident. The Investigation Commission’s report of 12th December 2005 to the UN Security Council is likely to result in the registration of individuals to whom the financial sanctions apply.

6.4 This Order represents the UK’s compliance in respect of the Overseas Territories with the obligation of implementing those financial sanctions.

7. Impact

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

7.2 The impact on the public sector is negligible.

8. Contact

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