

EXPLANATORY MEMORANDUM TO
THE CÔTE D'IVOIRE (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2012

2012 No. 3067

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

This Order gives effect in specified Overseas Territories to sanctions applicable in respect of Côte d'Ivoire, consisting of an arms embargo, an embargo on supplying equipment which might be used for internal repression, an embargo on the import of rough diamonds, and an asset freeze against individuals and entities listed by the UN and EU. These sanctions are provided for in United Nations Security Council resolution (UNSCR) 1572 (2004), 1643 (2005), 1975 (2011) and 2045 (2012), and EU Council Decision 2010/656/CFSP, as amended. This Order revokes and replaces two earlier sanctions Orders.

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 (in the absence of statutory powers).

4.2 The statutory and prerogative powers to legislate for the Overseas Territories 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);
- (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 independently to impose restrictive measures. The EU restrictive measures are given effect in Gibraltar by Council Regulations (EC) No 174/2005 and No 560/2005 as amended, which are directly applicable in Gibraltar.

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

7.1 Following the disputed elections in November 2010 when former President Laurent Gbagbo refused to step down after UN certified elections declared President Alassane Ouattara the winner, Côte d'Ivoire descended into civil conflict resulting in the death of over 3,000 Ivorian nationals. Restrictive measures were imposed on the

Gbagbo administration in December 2010 in an attempt to induce President Gbagbo to relinquish power. President Gbagbo was finally removed in April 2011 and President Ouattara was inaugurated as President of Côte d'Ivoire in May 2011.

7.2 However the UN and Economic Community of West African States have maintained operations in Côte d'Ivoire as there continue to be concerns regarding stability, the risks posed by the circulation of weapons, and the need for security sector reform. Sanctions have been maintained by the UN and EU to assist with addressing these concerns.

8. Consultation outcome

The Overseas Territories to which the Order applies were consulted about the Order.

9. Guidance

Guidance may be sought from the contact below.

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 A Regulatory 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 & review

12.1 UN restrictive measures are monitored and reviewed by the UN Security Council, and by a Sanctions Committee and a Group of Experts.

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

13. Contact

Gerry Regan at the Foreign and Commonwealth Office, Tel: 020 7008 6207 or email: gerry.regan@fco.gov.uk can answer any queries regarding the instrument.