

**EXPLANATORY MEMORANDUM TO**  
**THE BURUNDI (SANCTIONS) (OVERSEAS TERRITORIES) ORDER 2015**  
**2015 No. 1898**

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 certain EU sanctions measures in relation to Burundi which are contained in Council Decision 2015/1763/CFSP and accompanying Council Regulation 2015/1755, both adopted on 1 October 2015.

2.2 This Order imposes an asset freeze on persons, entities or bodies designated by the Council of the EU.

**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 (EU) 2015/1755 as amended 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 EU sanctions regime in relation to Burundi which includes a travel ban and asset freeze on designated persons, entities or bodies. Targeted sanctions will be aimed at those: undermining democracy or obstructing the search for a political solution in Burundi, including by acts of violence, repression or inciting violence, as well as those involved in planning, directing or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute serious human rights abuses, in Burundi, and those associated with them. The EU sanctions were imposed for an initial period of one year (until 3 October 2016), and require a Decision of the Council of the EU 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 EU sanctions are monitored and reviewed by Member States of the Council of the EU. These reviews take place at regular intervals and at least once every 12 months.

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

## **13. Contact**

Molly Mulready-Jones at the Foreign and Commonwealth Office can answer any queries regarding the instrument. Telephone: 020 7008 3061. Email: [molly.mulready-jones@fco.gov.uk](mailto:molly.mulready-jones@fco.gov.uk)