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STATUTORY INSTRUMENTS

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**2020 No. 705**

**The Mali (Sanctions) (EU Exit) Regulations 2020**

**PART 1**

**General**

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Mali (Sanctions) (EU Exit) Regulations 2020.
- (2) These Regulations come into force in accordance with regulations made by the Secretary of State under section 56 of the Act.

**Interpretation**

2. In these Regulations—

- “the Act” means the Sanctions and Anti-Money Laundering Act 2018;
- “the Agreement on Peace and Reconciliation in Mali” means the Agreement on Peace and Reconciliation in Mali done at Bamako on 15 May 2015<sup>(1)</sup>;
- “arrangement” includes any agreement, understanding, scheme, transaction or series of transactions, whether or not legally enforceable (but see paragraph 12 of Schedule 1 for the meaning of that term in that Schedule);
- “the Committee” means the Committee of the Security Council established in accordance with paragraph 9 of resolution 2374;
- “conduct” includes acts and omissions;
- “document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include producing a copy of the information in legible form;
- “the EU Mali Regulation” means Council Regulation (EU) 2017/1770 of 28 September 2017 concerning restrictive measures in view of the situation in Mali<sup>(2)</sup>, as it has effect in EU law;
- “humanitarian assistance activity” includes the work of international and non-governmental organisations carrying out relief activities in Mali for the benefit of the civilian population there;
- “Mali” means the Republic of Mali;
- “resolution 2374” means resolution 2374 (2017) adopted by the Security Council on 5 September 2017;
- “serious human rights violation or abuse” means a serious violation or abuse of any of the human rights specified in regulation 4(2)(g);

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(1) A scanned copy of the Agreement on Peace and Reconciliation in Mali (in the original French and titled as the ‘Accord Pour la Paix et la Reconciliation au Mali - Issu du Processus d’Alger’) is available online at <https://peacemaker.un.org/node/2681>.

(2) OJ No. L 251, 29.9.2017, p. 1.

“Treasury licence” means a licence under regulation 22(1);

“United Kingdom person” has the same meaning as in section 21 of the Act.

### **Application of prohibitions and requirements outside the United Kingdom**

3.—(1) A United Kingdom person may contravene a relevant prohibition by conduct wholly or partly outside the United Kingdom.

(2) Any person may contravene a relevant prohibition by conduct in the territorial sea.

(3) In this regulation, a “relevant prohibition” means any prohibition imposed by—

- (a) regulation 9(2) (confidential information),
- (b) Part 3 (Finance), or
- (c) a condition of a Treasury licence.

(4) A United Kingdom person may comply, or fail to comply, with a relevant requirement by conduct wholly or partly outside the United Kingdom.

(5) Any person may comply, or fail to comply, with a relevant requirement by conduct in the territorial sea.

(6) In this regulation, a “relevant requirement” means any requirement imposed—

- (a) by or under Part 6 (Information and records), or by reason of a request made under a power conferred by that Part, or
- (b) by a condition of a Treasury licence.

(7) Nothing in this regulation is to be taken to prevent a relevant prohibition or a relevant requirement from applying to conduct (by any person) in the United Kingdom.

### **Purposes**

4.—(1) The regulations contained in this instrument that are made under section 1 of the Act have the following purposes—

- (a) compliance with the relevant UN obligations, and
  - (b) the additional purposes mentioned in paragraph (2).
- (2) Those additional purposes are promoting—
- (a) the peace, stability and security of Mali,
  - (b) the implementation of the Agreement on Peace and Reconciliation in Mali,
  - (c) respect for—
    - (i) local, regional and state institutions in Mali,
    - (ii) the Malian defence and security forces, and
    - (iii) the governance or implementation mechanisms referred to in, or established in accordance with, the Agreement on Peace and Reconciliation in Mali,
  - (d) the effective delivery of the mandates of the international security, peace-support and capacity-building missions and mechanisms in Mali, including—
    - (i) the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)(3);

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(3) The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) was established in accordance with paragraph 7 of resolution 2100 (2013) adopted by the Security Council on 25 April 2013; its mandate was most recently extended by paragraph 16 of resolution 2531 (2020) adopted by the Security Council on 29 June 2020.

- (ii) the Panel of Experts established in accordance with paragraph 11 of resolution 2374(4);
- (iii) the G5 Sahel Joint Force(5);
- (iv) the European Union Training Mission Mali (EUTM Mali)(6);
- (v) the European Union CSDP mission in Mali (EUCAP Sahel Mali)(7);
- (vi) French forces(8),
- (e) respect for humanitarian assistance activity in Mali,
- (f) compliance with the rules of international humanitarian law applicable to the armed conflicts in Mali, and
- (g) respect for human rights in Mali, including, in particular, respect for—
  - (i) the right to life of persons in Mali;
  - (ii) the right of persons in Mali not to be held in slavery or required to perform forced or compulsory labour;
  - (iii) the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Mali;
  - (iv) the right to liberty and security of persons in Mali, including freedom from arbitrary arrest or detention, or enforced disappearance;
  - (v) the right to a fair trial of persons charged with criminal offences in Mali;
  - (vi) the right of journalists, human right defenders, civil society activists and other persons in Mali to freedom of expression and peaceful assembly;
  - (vii) the enjoyment of rights and freedoms in Mali without discrimination, including on the basis of a person’s sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status,

otherwise than by compliance with the relevant UN obligations.

(3) In this regulation, “the relevant UN obligations” means—

- (a) the obligations that the United Kingdom has by virtue of paragraph 4 of resolution 2374 (asset-freeze etc.)(9) to take the measures required by that provision in respect of persons(10) for the time being named for the purposes of that provision by the Security Council or the Committee;

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(4) The mandate of the Panel of Experts was most recently extended by paragraph 3 of resolution 2484 (2019) adopted by the Security Council on 29 August 2019.

(5) The G5 Sahel Joint Force (known in French as the ‘Force conjointe du G5 Sahel’) was established in accordance with the resolution of the Group of Five for the Sahel (G5 Sahel) dated 6 February 2017.

(6) The European Union Training Mission Mali (EUTM Mali) was established in accordance with Council Decision 2013/34/CFSP of 17 January 2013 concerning a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali); its mandate was most recently extended by Council Decision (CFSP) 2020/434 of 23 March 2020.

(7) The European Union CSDP mission in Mali (EUCAP Sahel Mali) was established in accordance with Council Decision 2014/219/CFSP of 15 April 2014 on the European Union CSDP mission in Mali (EUCAP Sahel Mali); its mandate was most recently extended by Council Decision (CFSP) 2019/312 of 21 February 2019.

(8) In resolution 2374 (2017), adopted on 5 September 2017, the Security Council “welcome[d] the continued action by the French forces, at the request and in support of the Malian authorities, to deter the terrorist threat in the North of Mali”. In paragraph 41 of resolution 2531 (2020), adopted on 29 June 2020, the Security Council “authorize[d] French forces, within the limits of their capacities and areas of deployment, to use all necessary means until the end of MINUSMA’s mandate as authorized in this resolution, to intervene in support of elements of MINUSMA when under imminent and serious threat upon request of the Secretary-General”.

(9) The measures provided for in paragraph 4 of resolution 2374 have been renewed by paragraph 1 of resolution 2432 (2018) adopted by the Security Council on 30 August 2018 and paragraph 1 of resolution 2484 (2019) adopted by the Security Council on 29 August 2019.

(10) “Person” is defined by section 9(5) of the Sanctions and Anti-Money Laundering Act 2018 to include (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

- (b) the obligations that the United Kingdom has by virtue of paragraph 4 of resolution 2374 in respect of persons—
  - (i) acting on behalf of or at the direction of, or
  - (ii) owned or controlled by,the persons for the time being named by the Security Council or the Committee for the purposes of paragraph 4 of resolution 2374.
- (4) In this regulation, any reference to the obligations that the United Kingdom has by virtue of paragraph 4 of resolution 2374 is to that provision read with paragraph 8 of resolution 2374.