



Security Council

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Security Council Committee established pursuant to resolution [2127 \(2013\)](#) concerning the Central African Republic

Note verbale dated 7 August 2019 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the United Kingdom to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [2127 \(2013\)](#) and has the honour to attach its report pursuant to paragraph 40 of resolution [2399 \(2018\)](#) on the steps taken by the Government of the United Kingdom to implement paragraphs 54 and 55 of resolution [2127 \(2013\)](#) and paragraphs 30 and 32 of resolution [2134 \(2014\)](#) (see annex).



Annex to the note verbale dated 7 August 2019 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Report of the United Kingdom of Great Britain and Northern Ireland on the implementation of Security Council resolutions 2127 (2013) and 2134 (2014)

Legal background

Security Council resolutions giving effect to sanctions are implemented by member States of the European Union through European Council decisions and regulations. European Council regulations have direct legal effect in each member State.

In its resolution 2127 (2013), the Security Council introduced an arms embargo on 5 December 2013. In its resolution 2134 (2014), the Council introduced asset freeze and travel ban mechanisms on 28 January 2014; however, no individuals or entities were targeted at that stage. On 9 May 2014, François Bozizé, Nouredine Adam and Levy Yakete were listed for an asset freeze and travel ban for their roles in undermining the peace, security and stability of the Central African Republic. The arms embargo was initially adopted by the European Union through Council Decision (CFSP) 2013/798 on 23 December 2013, and was updated by Council Decision (CFSP) 2014/125 on 10 March 2014. Council Decision (CFSP) 2014/125 also amended Council Decision (CFSP) 2013/798 to include the asset freeze and travel ban measures contained in Security Council resolution 2134 (2014). On 10 March 2014, the European Union also adopted Council Regulation (EU) No. 224/2014 in order to implement certain aspects of the United Nations arms embargo and asset freeze measures. The three United Nations listings were adopted into European Union law through Council Implementing Decision (CFSP) 2014/382 and Council Implementing Regulation (EU) No. 691/2014 on 23 June 2014.

The European Union's legislation has since been amended to reflect any amendments made by the United Nations. The most recent substantive amendments were made by Council Decision (CFSP) 2018/391 and Council Regulation (EU) 2018/387, both on 12 March 2018. Council Implementing Decision (CFSP) 2018/699 and Council Implementing Regulation (EU) 2018/698, both made on 8 May 2018, were the most recent amendments to the European Union's lists for targeted measures to reflect changes made by the Security Council Committee established pursuant to resolution 2127 (2013).

In addition to European Union implementation of United Nations measures, the United Kingdom legislates to implement sanctions measures in respect of domestic criminal offences in the United Kingdom and its overseas territories. The United Kingdom also legislates to control arms exports and give effect to travel bans through domestic law.

Criminal offences that relate to breaches of financial sanctions set out in European Union regulations are implemented through domestic legislation in the form of regulations. In relation to the Central African Republic, the United Kingdom introduced the Central African Republic (European Union Financial Sanctions) Regulations 2014 (Statutory Instrument No. 2014/587) to impose proportionate criminal penalties for breaches of the financial sanctions set out in European Union Council Regulation (EU) No. 224/2014.

The Export Control Joint Unit of the Department for International Trade administers the United Kingdom's system of export controls and licensing for military and dual-use items. These controls are contained in various national and European Union legal instruments, notably the United Kingdom Export Control Act 2002 and Export Control Order 2008 (as amended) and Council Regulation (EC) No. 428/2009, setting up a community regime for the control of exports, transfer, brokering and transit of dual-use items, together with various orders setting out penalties for breaching European Union sanctions. Further information on how this legislation applies to the Central African Republic is set out below.

The United Kingdom has responsibility for the implementation of Security Council resolutions in United Kingdom overseas territories that fall outside the jurisdiction of the European Union. The Foreign and Commonwealth Office has implemented the arms embargo, asset freeze and travel ban measures of resolutions [2127 \(2013\)](#) and [2134 \(2014\)](#) into overseas territory law through the Central African Republic (Sanctions) (Overseas Territories) Order 2014 (Statutory Instrument No. 2014/1368), which has since been amended through the Central African Republic (Sanctions) (Overseas Territories) (Amendment) Order 2015 (Statutory Instrument No. 2015/1380); this is with the exception of Bermuda, which legislates independently to apply United Nations sanctions, and Gibraltar, where these measures are implemented by Council Regulation (EU) No. 224/2014 and additional local legislation. Crown dependencies are also obliged in the same way to give effect to United Nations resolutions; this means that they too apply United Nations sanctions. They differ from overseas territories in the sense that it is their responsibility to do so through their own legislation, rather than the United Kingdom's legislation through an extension of domestic United Kingdom law. Specifically, this refers to the Isle of Man, Guernsey and Jersey.

Embargoed goods, items and technical assistance

In paragraph 54 of its resolution [2127 \(2013\)](#), the Security Council decided that all Member States should immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned items, and technical assistance, training and financial or other assistance related to military activities or the provision, maintenance or use of any arms and related material, including the provision of armed mercenary personnel whether or not originating in their territories.

Export Control Order 2008 prohibits the export of arms and other military equipment and technology from the United Kingdom to any destination unless the export has been authorized in writing by a licence granted by the Secretary of State for the Department for International Trade. In addition, the Central African Republic is an "embargoed destination" for the purposes of United Kingdom controls on the brokering of military goods. As a result, it is prohibited for any United Kingdom person to conduct any act calculated to promote the supply or delivery of military goods from a third country to the Central African Republic, regardless of where in the world the act takes place, unless authorized in writing by a licence granted by the Secretary of State.

All applications for licences to export or broker controlled goods, or to provide related services, are assessed on a case-by-case basis against the consolidated European Union and national arms export licensing criteria. A licence would not be granted if to do so would be inconsistent with any of the criteria. In particular,

criterion 1 deals with the United Kingdom international obligations and commitments in the field of arms control.

All trade-related prohibitions in the Security Council resolutions that are not already prohibited in domestic legislation are given effect through European Council Regulation (EU) No. 224/2014, and penalties for breaching those prohibitions are set out in the United Kingdom Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulations 2014 (Statutory Instrument No. 2014/3258).

Any non-European Economic Area or non-European Free Trade Association aircraft operating commercially to or from the United Kingdom requires explicit permission to do so from the Secretary of State for Transport, who can revoke, suspend or vary permission as necessary. If a European Economic Area-registered or European Free Trade Association-registered aircraft were operating between the United Kingdom and a point outside the European Economic Area or European Free Trade Association, it would also require such permission. This requirement for such permission from the Secretary of State for Transport would act as a means to ensure that the United Kingdom's obligation to prevent the use of member State flag vessels or aircraft for the supply, sale or transfer of prohibited goods from or through its territories to enforce the arms embargo is successfully honoured, pursuant to Security Council resolution [2127 \(2013\)](#).

The Merchant Shipping Act 1995 provides for the inspection of any vessel in United Kingdom waters. Anyone obstructing inspection by the Maritime and Coastguard Agency in a United Kingdom port would be liable to arrest by the police.

The export and import of controlled goods without an appropriate licence is a criminal offence under the Customs and Excise Management Act 1979; the brokering of military goods without an appropriate licence is a criminal offence under the Export Control Order 2008. Both offences carry a maximum penalty of 10 years' imprisonment and an unlimited fine. Her Majesty's Revenue and Customs is responsible for enforcing the controls and investigating potential or actual breaches. The Crown Prosecution Service is responsible for prosecuting breaches of the controls.

The Department for International Trade makes available to exporters, traders and intermediaries comprehensive information on sanctions and export controls through its website pages, notices to exporters and a programme of seminars and training courses; it also works closely with trade promotion bodies and relevant trade associations. The Department for International Trade also offers a number of advisory services for businesses and individuals that wish to determine whether their activities are subject to any prohibitions or restrictions.

Travel ban

In paragraph 30 of its resolution [2134 \(2014\)](#), the Security Council decided that all Member States should take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee established pursuant to paragraph 57 of resolution [2127 \(2013\)](#), provided that nothing in the paragraph should oblige a State to refuse its own nationals entry into its territory.

The United Kingdom implements the travel restriction elements of United Nations and European Union sanctions through section 8B of the Immigration Act 1971 (as amended). Unless an exemption applies, once the United Nations or European Union imposes a travel ban on a non-European Economic Area national, the provisions in section 8B of the 1971 Act take effect. This means that the individual becomes an "excluded person" and must therefore be refused leave to enter or remain

in the United Kingdom, and that any leave subsequently given is invalid. Any leave that the person holds is automatically cancelled and any exemption from immigration control no longer applies, so long as the individual is an excluded person.

Section 8B does not apply to European Economic Area nationals or their third-country national family members. European Economic Area nationals or their family members that are subject to a travel ban are dealt with under the Immigration (European Economic Area) Regulations 2016.

Following the listing by the United Nations of individuals with travel ban measures, the United Kingdom's watch lists have been updated with their details to ensure that they are refused entry into, or transit through, the United Kingdom.

Financial asset freezing

In paragraph 32 of resolution [2134 \(2014\)](#), the Security Council decided that Member States should freeze without delay all funds, other financial assets and economic resources which were on their territories, which were owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee established pursuant to paragraph 57 of resolution [2127 \(2013\)](#), or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decided further that all Member States should ensure that any funds, financial assets or economic resources were prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee.

Following the adoption of resolution [2134 \(2014\)](#), Her Majesty's Treasury issued a notice to the United Kingdom financial sector, on 12 March 2014, highlighting the asset freeze measures introduced into European Union member State law through Council Regulation (EU) No. 224/2014 on 10 March 2014.

The United Kingdom financial sector was instructed to check whether any accounts or financial assets were held by persons listed under annex I to Council Regulation (EU) No. 224/2014. There have been a number of further notices issued subsequently, reflecting additions, amendments and deletions under the regime. Those notices have stipulated that the United Kingdom's financial sector must freeze any such financial assets identified upon completion of those checks. The notices highlight that the United Kingdom's financial sector must refrain from dealing with the listed individuals and that Her Majesty's Treasury must be informed of any information relevant to the United Kingdom's compliance with Central African Republic asset freeze obligations. Relevant contact details for Her Majesty's Treasury are provided in such notices to facilitate communication with the United Kingdom's financial sector on issues and queries relating to the implementation of the asset freeze.

United Nations sanctions following exit from the European Union

As set out above, the United Kingdom implements the United Nations sanctions regime through both European Union and domestic legislation. Following withdrawal from the European Union, the United Kingdom will implement United Nations sanctions through domestic law, using the powers provided in the Sanctions and Anti-Money Laundering Act 2018.