



Foreign, Commonwealth
& Development Office

Sanctions Regulations Report on Annual Reviews 2021

Annex: Annual Reviews



January 2022

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The Afghanistan (Sanctions) (EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Afghanistan (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) implement the obligations in UN Security Council Resolution 2255 of 2015 (“UNSCR 2255).
- Although the wider context in Afghanistan has changed substantially, the 2020 Regulations remain appropriate for their purpose of implementing the obligations in UNSCR 2255 (2015).
- The Minister has therefore decided to maintain the regime as it stands.

The Afghanistan (Sanctions) (EU Exit) Regulations 2020

1. The Afghanistan (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 3 September 2020, laid before Parliament on 8 September 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the 2020 Regulations to review whether the 2020 Regulations are still appropriate for the purpose stated in them under section 1(3).

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations as set out in regulation 4 of the Regulations, are as follows:

(1) ...compliance with the relevant UN obligations.

(2) In this regulation, “the relevant UN obligations” means the obligations that the United Kingdom has by virtue of—

(a) paragraph 1(a) of resolution 2255 (asset-freeze etc.); and

(b) paragraph 1(c) of resolution 2255 (arms embargo etc.).

to take the measures required by those provisions in respect of persons(1) for the time being named on the 1988 Sanctions List¹.

¹ “The 1988 Sanctions List” means the list created pursuant to resolution 1988, and maintained by the Sanctions Committee (established in accordance with paragraph 30 of resolution 1988).

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table:

Total number of designations as of the date of this review	140
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Review of the 2020 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2020 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain appropriate for their purposes.

Humanitarian impact

6. Sanctions measures under the 2020 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The UK Government is committed to working with stakeholders to support unimpeded humanitarian activity and address challenges arising in response to the evolving situation in Afghanistan.
7. When considering counter-terrorism sanctions measures and the potential impact on humanitarian activities, the UK government acknowledges the concerns of charities operating in areas subject to counter-terrorism financing measures and sanctions, including the problems of bank de-risking and other potential impacts of over-compliance which may inadvertently increase the terrorist financing or money laundering risk. The UK Government seeks to ensure that counter-terrorism sanctions measures are carefully targeted to ensure the maximum impact on sanctions targets while ensuring that those measures do not themselves hinder the delivery of humanitarian assistance.

Conclusion

8. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.

12/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Belarus sanctions regime established by The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) aims to encourage the authorities in Belarus to respect democratic principles and institutions, the separation of powers and the rule of law in Belarus, refrain from actions, policies or activities which repress, properly investigate and institute criminal proceedings against the persons responsible for the disappearances of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski, and comply with international human rights law and to respect human rights.
- The policy intention is that sanctions remain in place until the UK Government is assured the human rights situation in Belarus has improved and that the authorities in Belarus are complying with international human rights law.
- The situation in Belarus continues to deteriorate.
- The 2019 Regulations therefore remain appropriate for their purposes.
- The Minister has therefore decided to maintain the sanctions regime.

The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019

1. The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 18 March 2019, laid before Parliament on 20 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b) whether there are good reasons to pursue that purpose, and
 - c) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

4. *The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Government of Belarus to—*

(a) respect democratic principles and institutions, the separation of powers and the rule of law in Belarus,

(b) refrain from actions, policies or activities which repress civil society in Belarus,

(c) investigate properly and institute criminal proceedings against the persons responsible for the disappearances of Yury Zakharanka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski, and

(d) comply with international human rights law and to respect human rights, including in particular to—

(i) respect the right to life of persons in Belarus;

(ii) respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Belarus, including inhuman or degrading conditions in prisons;

(iii) afford persons in Belarus charged with criminal offences the right to a fair trial;

(iv) respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Belarus;

(v) afford journalists, human rights defenders and other persons in Belarus the right to freedom of expression, association and peaceful assembly;

(vi) secure the human rights of persons in Belarus 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.

Designations

3. The status of designations under the 2019 Regulations is as set out in the following:

Total number of designations as of the date of this review	109
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within paragraph (d), in that it furthers a foreign policy objective of the government of the United Kingdom, paragraph (f), in that it promotes compliance with international human rights law and respect for human rights, and paragraph (i), in that it promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

5. There are good reasons for pursuing these purposes namely to address the serious human rights violations in Belarus, the Belarusian authorities' continued violent oppression of civil society, democratic opposition leaders and supporters, independent media and journalists, and continued undermining of democratic principles and the rule of law. The situation remains of serious concern to both the UK and the international community, as evidenced by the UN High Commissioner for Human Rights, in her report to the Human Rights Council in February 2021, describing the human rights crisis in Belarus as unprecedented in the country's history. The UN Special Rapporteur on Belarus, in her latest report to the Human Rights Council, on 5 July 2021, stated Belarus was becoming a totalitarian state which was purging all elements the authorities considered undesirable. Over 35,000 people have been detained and there are over 600 political prisoners. Civil society and independent media organisations are constantly raided and their employees arrested. There are many credible reports of physical mistreatment and torture inside detention centres and prisons and the authorities are acting in an environment of impunity, with judicial, penal and security officials non-accountable. New laws restricting media freedoms and the right of assembly were introduced in May 2021 to reinforce security forces crackdown. On 23 May 2021, the Belarusian authorities forced the diversion and landing of the Ryanair flight FR4978 to Minsk in order to arrest a journalist, Roman Protasevich, and his partner Sofia Sapega.

Why imposition of sanctions is a reasonable course of action for these purposes

6. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of encouraging the authorities in Belarus to respect democratic principles and institutions, the separation of powers and the rule of law in Belarus, refrain from actions, policies or activities which repress, properly investigate and institute criminal proceedings against the

persons responsible for the disappearances of Yury Zakharenka, Viktor Hanchar, Anatol Krasouski and Dzmitry Zavadski, and comply with international human rights law and to respect human rights.

7. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. These sanctions are not an end in themselves. HMG believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate for the purposes they are intending to achieve.
8. Since the completion of the previous annual review on 18 March 2020, the situation in Belarus has deteriorated. The 2019 Regulations have been amended to impose new financial, trade and aircraft sanctions measures, to confer a power to designate persons for the purpose of new prohibitions on technical assistance relating to aircraft and to add to the list of activities which may give grounds for a person to be designated. This is in response to the escalation of serious human rights violations in Belarus, the Belarusian authorities' continued violent oppression of civil society, democratic opposition leaders and supporters, independent media and journalists, and continued undermining of democratic principles and the rule of law. This escalation has included the forced diversion and landing of Ryanair flight FR4978 to Minsk on 23 May 2021 by the Belarusian authorities in order to arrest a journalist, Roman Protasevich, and his partner Sofia Sapega; the arbitrary detention of over 35,000 people, the imprisonment of over 600 people on politically motivated charges; the attempted forcible expulsion of the opposition figure Maria Kolesnikova and forced expulsion of other opposition figures; the arbitrary sentencing of the opposition candidate, Viktor Babariko, to 14 years' imprisonment and his campaign coordinator, Maria Kolesnikova to 11 years; the introduction of legislation in May 2021, which suppresses media freedoms and peaceful assembly and was used as justification to raid the independent organisations Nasha Niva and Tut.by; wider attacks on the civil space, including coordinated action on 23 July to dissolve at least 46 NGOs; and the many credible reports of physical mistreatment and torture by the penal and security forces in Belarus, which the UN High Commissioner for Human Rights noted in her report to the Human Rights Council in February 2021.

Humanitarian impact

9. Sanctions measures under the 2019 Regulations are carefully targeted to build pressure on Lukashenko, state institutions and those around him, while minimising any

unintended consequences on the wider population in Belarus. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The 2019 Regulations include an exception from the financial prohibitions in regulations 11 to 15 for the purchase in Belarus of petroleum products solely for the purposes of the performance of any humanitarian assistance activity in Belarus. There is also a trade exception for the prohibition in regulation 27(J) (acquisition of potash and petroleum products) for the purchase in Belarus of petroleum products solely for the performance of any humanitarian assistance activity in Belarus. This specific licensing ground is in relation to prohibitions regarding the asset freeze (Part 1 of Schedule 2B), loans and credit (Part 2 of Schedule 2B) and insurance and reinsurance (Part 3 of Schedule 2B). The 2019 Regulations also provide for a General Licence, under Regulation 32, whereby in an emergency, an air carrier or aircraft operator may make payment(s) directly or via an intermediary to Belaeronavigatsia for air traffic services.

Conclusion

10. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
11. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
12. The policy intention is that sanctions remain in place until the UK Government is assured the human rights situation in Belarus has improved and that the Belarusian regime is complying with international human rights law.
13. This position may be reached by evidence of the Belarusian regime releasing all those unjustly detained, ending the ongoing repression of human rights and fundamental freedoms, and entering into meaningful dialogue with the political opposition.

14/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Bosnia and Herzegovina sanctions regime established by The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to address the sovereignty, territorial integrity, international personality and constitutional order of Bosnia and Herzegovina.
- The policy intention is that sanctions remain in place until the UK Government is assured that peace, stability and security in Bosnia and Herzegovina is fully entrenched.
- The situation in Bosnia and Herzegovina has remained the same.
- The 2020 Regulations therefore remain appropriate for their purposes.
- The Minister has therefore decided to take no action.

The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020

14. The Bosnia and Herzegovina (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 18 June 2020, laid before Parliament on 22 June 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
- d) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - e) whether there are good reasons to pursue that purpose, and
 - f) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

15. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:

- a) *promoting respect for the sovereignty, territorial integrity, international personality and constitutional order² of Bosnia and Herzegovina,*
- b) *promoting the peace, stability and security of Bosnia and Herzegovina, and*
- c) *encouraging compliance with, and the implementation of, the General Framework Agreement for Peace.*

Designations

16. There are currently no designations under the 2020 Regulations.

Whether carrying out the purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

17. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act. In particular carrying out these purposes falls within sub-paragraphs (c), (d) and (i) in that it promotes the peace, stability and security of Bosnia and Herzegovina, encourages compliance with the General Framework Agreement for Peace and promotes respect for the sovereignty, territorial integrity, international personality and constitutional order of Bosnia and Herzegovina. There is no doubt that there is a strategic challenge in Bosnia and Herzegovina, in that a number of leading political figures, particularly among Bosnian-Serbs, want to undermine the state and have pushed this agenda over many years. The UK's close collaboration with likeminded partners, especially the Quint (UK, US, France, Italy and Germany) and EU, to address challenges to Bosnia and Herzegovina's state integrity has shown some positive recent results. For example, agreement was reached last year for local elections to be held for the first time in 12 years in Mostar. The UK Government will continue to monitor the political situation in Bosnia and Herzegovina, particularly around flashpoints of heightened rhetoric such as Republika Srpska Day or the anniversary of the Srebrenica genocide.

Whether there are good reasons for pursuing these purposes

18. There are good reasons for pursuing these purposes. Bosnia and Herzegovina is one of the countries at greatest risk of instability in the Western Balkans region. The UK and the international community remain concerned about the political situation in Bosnia and Herzegovina, which continues to be affected by institutional

² The General Framework Agreement for Peace in Bosnia and Herzegovina, and in particular the Constitution of Bosnia and Herzegovina contained in Annex 4 to the Agreement, establishes the fundamental structure of Bosnia and Herzegovina as a single sovereign State comprising two entities, namely the Federation of Bosnia and Herzegovina and the Republika Srpska.

dysfunctionality, divisive ethno-nationalist rhetoric, attempts to undermine the functioning of the state and its institutions, and challenges to the General Framework Agreement for Peace and historical revisionism. Statements from officials within the Republika Sprska (RS) which deny the statehood of Bosnia and Herzegovina and advocate the secession of the RS and for a union with Serbia are of particular concern. In March 2021, the RS National Assembly met to discuss the international supervision of Bosnia and Herzegovina, particularly from the Office of the High Representative, and concluded that it should end. They asserted that they might take forward moves to secede. This presents a real threat to peace and security. The UK, alongside the other members of the Peace Implementation Council Steering Board (PIC SB), has repeatedly expressed its commitment to Bosnia and Herzegovina's structure as defined in the Dayton Peace Agreement as a single, sovereign state comprising two entities.

19. Against this backdrop, the UK sanctions regime acts as a signal of the UK's commitment to Bosnia and Herzegovina's stability and security, and as a deterrent against efforts to undermine that stability and security. It additionally provides the ability to act swiftly, decisively and autonomously to implement sanctions should that be judged necessary. It is consistent with the UK's strong engagement in the region and with our role as a member of the Peace Implementation Council Steering Board, the body which provides the High Representative with political guidance in carrying out his role in overseeing the implementation of the civilian aspects of the General Framework Agreement for Peace.

Why imposition of sanctions is a reasonable course of action for these purposes

20. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for the purposes of promoting respect for the sovereignty, territorial integrity, international personality and constitutional order of Bosnia and Herzegovina; promoting peace, stability and security; and encouraging compliance with, and implementation of, the General Framework Agreement for Peace.
21. This sanctions regime is not an end in itself. It is one element of a broader strategy to achieve the UK's foreign policy goals in Bosnia and Herzegovina. Sanctions are one method by which the UK can address and dis-incentivise challenges to the peace, stability and security of Bosnia and Herzegovina as well as efforts to obstruct the

implementation of the General Framework Agreement for Peace. The UK will continue to work alongside international partners, including the EU, US and the Office of the High Representative, to promote respect for the sovereignty, territorial integrity, international personality and constitutional order of Bosnia and Herzegovina and encourage compliance with the General Framework Agreement for Peace.

22. The policy intention is to retain the power to impose sanctions relating to Bosnia and Herzegovina until the UK Government is assured that peace, stability and security in Bosnia and Herzegovina is fully entrenched. The UK Government may regularly reassess whether this status has been reached, based, for example, on whether substantive reforms, concrete steps towards EU accession, or the agreed objectives and conditions for the closure of the Office of the High Representative have been achieved. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

23. Sanctions measures under the 2020 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

24. The Minister considers that carrying out the purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
25. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
26. The policy intention is that sanctions remain in place until the UK Government is assured that peace, stability and security in Bosnia and Herzegovina is fully entrenched.
27. The UK Government may regularly reassess whether this status has been reached, for example, on whether substantive reforms, concrete steps towards EU accession, or

the agreed objectives and conditions for the closure of the Office of High Representative have been achieved.

17 September 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Burundi (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Burundi sanctions regime established by The Burundi (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to encourage the Government of Burundi to respect democracy, the rule of law and good governance; bring about a peaceful solution to the political situation in Burundi; refrain from suppression of civil society; and respect human rights.
- The policy intention is that the sanctions regime remains in place until the UK Government considers that there has been sufficient positive behaviour change, including in relation to respect for democracy, rule of law and good governance; space for civil society; and human rights, over a sustained period of time.
- There have been important developments in Burundi since the 2019 Regulations were established. Following elections in Burundi in May 2020, there was a managed, broadly peaceful transfer of power to a new President, from within the ruling National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) party, who then formed a new government in June 2020. Although political tensions remain, there is no longer an immediate political crisis. The former President has no role in the new Government, having passed away suddenly in June 2020.
- Regulations 4(a), (c) and (d) of the 2019 Regulations remain appropriate for their purposes because the UK remains concerned about respect for democracy, rule of law and governance; space for civil society actors; human rights and longer-term stability in Burundi.
- The purpose in regulation 4(b) encourages the Government of Burundi to ‘participate in negotiations with its political opponents in good faith to bring about a peaceful solution to the political situation in Burundi’, and the corresponding designation criterion in regulation 6(2)(a)(ii), refers to ‘obstructing the search for a peaceful solution to the political situation in Burundi’. The Regulations are however no longer appropriate for that purpose given that there is no longer an immediate political crisis.
- The Minister has therefore decided to revoke the 2019 Regulations and lay new Regulations without the purpose in regulation 4(b) and the corresponding designation criterion in regulation 6(2)(a)(ii).

The Burundi (Sanctions) (EU Exit) Regulations 2019

1. The Burundi (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 18 July 2019, laid before Parliament on 19 July 2019 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b) whether there are good reasons to pursue that purpose, and
 - c) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

to encourage the Government of Burundi to—

- a) *respect democratic principles and institutions, the rule of law and good governance in Burundi;*
- b) *participate in negotiations with its political opponents in good faith to bring about a peaceful solution to the political situation in Burundi;*
- c) *refrain from policies or activities which repress civil society in Burundi;*
- d) *comply with international human rights law and to respect human rights, including in particular, to respect -*
 - i. *the right to life of persons in Burundi;*
 - ii. *the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Burundi, including in the context of rape, other forms of sexual violence and gender based violence;*
 - iii. *the right to liberty and security of persons in Burundi, including freedom from arbitrary arrest, detention or enforced disappearance;*
 - iv. *the rights of journalists, human rights defenders and other persons in Burundi, to freedom of expression and peaceful assembly.*

Designations

3. There are currently no designations made under the 2019 Regulations.

Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Aside from regulation 4(b), carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within sub-paragraph (f) by promoting compliance with international human rights law or respect for human rights and sub-paragraph (i) by promoting respect for democracy, the rule of law and good governance. Supporting evidence is described further below. Carrying out the purpose in regulation 4(b) would no longer meet any one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Sanctions Act given the changed political situation in Burundi outlined in paragraph 7 below.

Whether there are good reasons for pursuing these purposes

5. With reference to **regulation 4(a)**, the UK Government welcomed the broadly peaceful transfer of power to a new President from within the ruling National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) party, which then formed a new government in June 2020. We also welcomed President Ndayishimiye's promise to combat impunity.³ Isolated cases of the arrest and trial of some 'Imbonerakure' (ruling party youth league members) and security forces accused of committing crimes⁴, and the sentencing of two police officers for killing civilians with their service weapons are positive steps.⁵
6. However the UK Government remains concerned about respect for democratic principles, the rule of law, long-term impunity and lack of accountability. Some members of the former regime, some of whom are alleged perpetrators of human rights violations, including current Prime Minister, Alain-Guillaume Bunyoni, remain part of the Government. In the chapter on Burundi in the Human Rights Watch (HRW) World Report 2021, HRW notes that such appointments "cast doubt over the new administration's commitment to accountability and raises concerns about the possible interference with criminal investigations into past abuses".⁶ More broadly relating to the

³ UN Commission of Inquiry on Burundi report of August 2020, '[COI 2020 report](#),' para 18

⁴ [Human Rights Watch World Report 2021- Burundi Chapter](#)

⁵ UN Commission of Inquiry on Burundi report of August 2020, '[COI 2020 report](#),' para 57

⁶ [Human Rights Watch World Report 2021- Burundi Chapter](#)

rule of law, the Freedom in the World report 2021 also notes that “the courts, police, and security forces do not operate independently or professionally, and constitutional guarantees of due process are generally not upheld. Arbitrary arrest and lengthy pretrial detention are common”.⁷ The Freedom in the World 2021 report also notes that “corruption is endemic”, and “Government operations are opaque, and government officials are generally unaccountable to voters. There are few opportunities for civil society actors and others to participate in policymaking”.⁸ The UN Commission of Inquiry (COI) 2020 report also noted that ““corruption and illicit financial flows have a negative impact on the enjoyment of human rights in Burundi”.⁹

7. Regulation **4(b)** specifically relates to the non-peaceful political situation in Burundi, which escalated in 2015 following former President Pierre Nkurunziza’s disputed election to a third term, breaking a decade-old agreement on a two term limit and beginning a clear political crisis. The elections and formation of a new CNDD-FDD government under President Ndayishimiye in 2020 marked a new phase for Burundi.¹⁰ Some former presidential loyalists remain in senior positions but there is no longer an immediate political crisis or conflict between political parties. The former President has no role in the new Government, having passed away suddenly in June 2020. As such there are no longer good reasons to pursue the purpose in regulation 4(b).
8. With reference to **regulation 4(c)**, the UK Government welcomes some steps taken by the Government of Burundi to engage more positively with some civil society actors. This includes President Ndayishimiye’s engagement with media outlets¹¹ and the recent lifting of a ban on the BBC in June 2021.¹² The UK Government also welcomes the release of human rights activist German Rukuki in July 2021¹³ and the release in December 2020 of the four Iwacu journalists arrested in October 2019.¹⁴ However, the UK Government remains concerned that the Freedom in the World report 2021 noted that “NGOs in Burundi face restrictive registration laws and persecution for activity seen as hostile to the government. A number of human rights and other groups perceived as anti-

⁷ [Freedom House, Freedom in the World report 2021 \(Burundi\)](#)

⁸ [Freedom House, Freedom in the World report 2021 \(Burundi\)](#)

⁹ UN Commission of Inquiry on Burundi report of August 2020, ‘[COI 2020 report](#),’ Summary

¹⁰ [Statement by the President of the Security Council](#), 4 December 2020

¹¹ [Government of Burundi press release on media workshop](#)

¹² [VOA, 2 July 2021](#)

¹³ [Amnesty International, 1 July 2021](#)

¹⁴ [Oral statement by Amnesty International](#) during Interactive Dialogue with Commission of Inquiry on Burundi, 11 March 2021

government have been banned, and many of their members have fled the country rather than face surveillance, intimidation, arrest, or assassination in Burundi”.¹⁵

9. With reference to **regulation 4(d)**, the UK Government remains concerned about reports of continuing human rights violations. In the COI’s report of August 2019, the COI identified a list of risk factors linked to the elections in 2020 that could have an impact on the human rights situation.¹⁶ The COI 2020 report noted that, “aside from the political transition currently under way, most risk factors still remain, and far-reaching reforms are required to improve the situation in the medium and long term”.¹⁷ Those risk factors included an unstable political, economic and security environment; the general impunity enjoyed by the main perpetrators of serious human rights violations; the ability of potential perpetrators to commit criminal atrocities and the presence of the ‘Imbonerakure’ across the public sphere, who substituted themselves for the law enforcement and security forces; and the lack of mitigating factors such as a strong, organized and representative national civil society and free, diverse and independent media.¹⁸
10. The COI 2020 report noted that “numerous, serious human rights violations have been documented since May 2019 in connection with the 2020 elections”, which were “mainly committed by members of the Imbonerakure youth league of the ruling party and by local officials who continue to enjoy nearly total impunity. Officers of the National Intelligence Service and the police often participated in or supported such violations or, in the case of the police, sometimes stood by and allowed the perpetrators to act. The judiciary has also taken part in this repression”.¹⁹
11. Outside of the immediate electoral period, the COI 2020 report noted reports of other human rights violations. This included for example reports that “people with a specific profile, such as currency traders and former members of the FAB (the former Burundian army), have been found dead a few days after their disappearance, obviously having been executed. The police have also conducted operations in which people have been summarily executed instead of being apprehended. Bodies bearing signs of violence continue to be found in public places, and the authorities make no attempt to establish the victims’ identities or the circumstances of their death.”²⁰

¹⁵ [Freedom House, Freedom in the World report 2021 \(Burundi\)](#)

¹⁶ UN Commission of Inquiry on Burundi [report of August 2019](#), para 65

¹⁷ UN Commission of Inquiry on Burundi report of August 2020, [‘COI 2020 report,’](#) Summary

¹⁸ UN Commission of Inquiry on Burundi report of August 2020, [‘COI 2020 report,’](#) paras 89-97

¹⁹ UN Commission of Inquiry on Burundi report of August 2020, [‘COI 2020 report,’](#) Summary

²⁰ UN Commission of Inquiry on Burundi report of August 2020, [‘COI 2020 report,’](#) para 57

12. The COI 2020 report also noted that “acts of torture continued to be committed, including sexual and gender violence affecting mostly women and girls, but also men. Such violence was aimed at intimidating, controlling, repressing or punishing women and men for their supposed or actual political opinions, their refusal to join the ruling party or their links with an armed movement” and “was committed mainly by members of the Imbonerakure or of the police during visits or attacks on the victims’ homes, but also in the context of arrest or detention by the National Intelligence Service”.²¹
13. The COI also noted in March 2021, that since President Ndayishimiye came to power, it had documented reports of extrajudicial executions, enforced disappearance, arrests and arbitrary detention, often accompanied by acts of torture. Agents of the National Intelligence Service, sometimes backed by the ‘Imbonerakure’, had been identified as the main perpetrators of these violations.²²

Why imposition of sanctions is a reasonable course of action for these purposes

14. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purposes of encouraging the Government of Burundi to change its behaviour by respecting democracy, rule of law and good governance; refraining from suppression of civil society, and respecting human rights. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK Government believes sanctions are an effective and reasonable foreign policy tool if they are part of a broader foreign policy strategy for a country or thematic issue, and are appropriate for the purposes they are intending to achieve.

Humanitarian impact

15. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

16. The Minister considers that, aside from Regulation 4(b), carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

²¹ UN Commission of Inquiry on Burundi report of August 2020, ‘[COI 2020 report](#),’ para 58

²² [Oral briefing of the Commission of Inquiry on Burundi](#), 11 March 2021

17. The Minister considers that, aside from Regulation 4(b), the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
18. Carrying out the purpose in Regulation 4(b) would no longer meet any one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Sanctions Act and there are no longer good reasons to pursue that purpose, for the reasons outlined in paragraph 7 above. The corresponding designation criterion in regulation 6(2)(a)(ii) is no longer appropriate for that purpose for the same reasons. The Minister has therefore decided to revoke the 2019 Regulations and lay new Regulations without the purpose in regulation 4(b) and the corresponding designation criterion in regulation 6(2)(a)(ii).
19. The policy intention is that the sanctions regime remains in place until the UK Government considers that there has been sufficient positive behaviour change, including in relation to respect for democracy, rule of law (including accountability), and good governance; space for civil society; and human rights, over a sustained period of time.
20. The UK Government will require evidence of concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

19th August 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Central African Republic (Sanctions) (EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime established by The Central African Republic (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to address the peace, stability and security situation in the Central African Republic (CAR).
- The situation in the CAR has deteriorated since late 2020. Violence increased and security worsened after a new alliance of armed groups sought to disrupt elections, successfully taking control of large areas of territory and making an attempt on Bangui. Russian mercenaries and Rwandan troops surged in alongside United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) peacekeepers to secure Bangui and the Presidency. While the elections were able to go ahead, with the President re-elected, the levels of displacement and humanitarian need have surged, and the renewed violence has led to severe restrictions on humanitarian access and to human rights abuses and violations. The peace agreement is no longer holding and a political agreement to enable a return to this is not forthcoming. While the President recently announced a unilateral ceasefire this has yet to take effect.
- The 2020 Regulations implement the obligations in UN Security Council Resolutions 2127 of 5 December 2013 (“UNSCR 2127”) and 2134 of 28 January 2014 (“UNSCR 2134”), namely the imposition of financial sanctions (asset-freezes) and an arms embargo.
- Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UN Security Council Resolutions 2536 on 28 July 2020 (“UNSCR 2536”) and 2588 on 29 July 2021 (“UNSCR 2588”), which renew the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged but the arms embargo has been slightly limited in scope.
- The policy intention is that sanctions remain in place until HMG is assured that there has been an improvement in the areas of concern outlined in the purposes of these Regulations. This would include a return to a peace agreement, which is comprehensive and accepted by all armed groups, and for the implementation of the peace agreement and existence of wider political stability to lead to a sustained reduction in conflict and violence.
- The Minister has therefore decided to maintain the regime as it stands and the Central African Republic Statutory Guidance was updated to reflect the amendments to the arms embargo made by UNSCR 2536 and UNSCR 2588.

The Central African Republic (Sanctions) (EU Exit) Regulations 2020

1. The Central African Republic (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 18 June 2020, laid before Parliament on 22 June 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - d) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - e) Whether there are good reasons to pursue that purpose, and
 - f) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:
 - 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 obligations²³, and*
- (b) the additional purposes mentioned in paragraph (2).*

- (2) Those additional purposes are—*

- (a) promoting the peace, stability and security of the Central African Republic,*
- (b) encouraging the resolution of the armed conflicts and encouraging the stabilisation and reconciliation process including compliance with, and implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic(1),*
- (c) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in the Central African Republic, including—*

²³ As defined in the 2020 Regulations.

- (i) the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)(2),*
- (ii) the European Union Training Mission(3),*
- (iii) the European Union Advisory Mission(4),*
- (d) promoting respect for humanitarian assistance activity in the Central African Republic,*
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in the Central African Republic, and*
- (f) promoting respect for human rights in the Central African Republic, including, in particular, respect for—*
 - (i) the right to life of persons in the Central African Republic;*
 - (ii) the rights of persons in the Central African Republic 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 the Central African Republic;*
 - (iv) the right to liberty and security of persons in the Central African Republic, including freedom from arbitrary arrest, detention or enforced disappearance;*
 - (v) the right to a fair trial of persons charged with criminal offences in the Central African Republic;*
 - (vi) the rights of journalists, human right defenders, civil society activists and other persons in the Central African Republic to freedom of expression and peaceful assembly;*
 - (vii) the enjoyment of rights and freedoms in the Central African Republic 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.*

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table. There are no UK designations under the 2020 Regulations:

Total number of UN designations as at the date of this review	14
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Review of the 2020 Regulations

4. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2536 on 28 July 2020 and UNSCR 2588 on 29 July 2021, which renew the sanctions obligations implemented by the 2020 Regulations. The UN obligations are largely unchanged but UNSCR 2536 and UNSCR 2588 introduced a number of changes:-
 - i) UNSCR 2536 decided that the arms embargo shall no longer apply to supplies of unarmed ground military vehicles and ground military vehicles mounted with weapons with a calibre of 14.5 mm or less and their spare parts, and of RPG and ammunition specially designed for such weapons, and provision of related assistance, to the CAR security forces including state civilian law enforcement institutions, as notified in advance to the Committee.
 - ii) UNSCR 2588 decided that the arms embargo shall no longer apply to supplies of mortars with a calibre of 60 mm and 82 mm ammunition specially designed for such weapons, and provision of related assistance, to the CAR security forces, including state civilian law enforcement institutions, and intended solely for support of or use in the CAR process of Security Sector Reform, as notified in advance to the Committee.
5. The Statutory Guidance has been updated to reflect the amendments to the arms embargo. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within:
 - a. paragraph 1(2)(c) in that promoting peace and security in the CAR remains in the interest of international peace and security, particularly regional stability across Central Africa,
 - b. (2)(d) in that these purposes further the Government of the United Kingdom's foreign policy objective to support peace processes in the CAR,
 - c. and crucially paragraph (2)(e) these purposes contribute to and support multilateral efforts to support the resolution of armed conflicts in the CAR and continue to support the protection of civilians in conflict zones across the country,

- d. (2)(f) the purposes also provide accountability for gross violations of human rights and act as a deterrent against further human rights abuses and violations,
 - e. (2)(g) the purposes promote compliance with international humanitarian law, and
 - f. (2)(i) the purposes promote respect for democracy, the rule of law and good governance.
7. The political and security situation in CAR has significantly deteriorated since the last review, particularly in and around the presidential elections in December 2020. Violence has increased and security worsened after a new alliance of armed groups formed seeking to disrupt the elections. They successfully took control of areas of land outside Bangui, including the main supply route, and made an attempt on Bangui. Russian mercenaries and Rwandan troops surged in alongside MINUSCA peacekeepers to secure Bangui and the presidency. While the elections were able to go ahead, with the President re-elected, the levels of displacement and humanitarian need have surged, and the violence has led to severe restrictions on humanitarian access and to human rights abuses and violations by armed groups, government forces and international proxies. The peace agreement is no longer holding and a political agreement to enable a return to this is not forthcoming. While the President recently announced a unilateral ceasefire this has yet to take effect. These sanctions provide a tool to constrain the activities of those who impede efforts to deliver humanitarian assistance, to uphold human rights and to bring peace and wider stability to CAR, and to hold those who seek to undermine these efforts to account.
8. As such, carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act.

Whether there are good reasons for pursuing these purposes

9. There are good reasons for pursuing these purposes. The UK's policy on the CAR consists of a dual track approach of pressure and engagement, with robust sanctions forming an important part of the pressure track. Her Majesty's Government's (HMG) objective is to continue to support the international pressure campaign to prevent the proliferation of illegal arms trafficking particularly on the borders with neighbouring countries, which could lead to regional contagion. The February 2021 UN Panel of Experts Report confirms that armed groups continue to violate the 2019 Peace Accord and militia groups are regularly obtaining arms and are responsible for widespread atrocities committed against civilians.

10. The December 2020 Presidential elections marked a significant deterioration in the political and security situation in CAR. As such, HMG continues to push for the rigorous implementation of existing sanctions to hold accountable those who would seek to exploit the fragile security situation. Political dialogue is needed to secure a return to a peace agreement, which is comprehensive and accepted by all armed groups. The implementation of this peace agreement and the existence of wider political stability should lead to a sustained reduction in conflict and violence.
11. Sanctions support efforts to hold perpetrators to account for violations of international humanitarian law and human rights abuses and violations against vulnerable groups within the CAR. This includes killings, torture and cruel, inhuman or degrading treatment, sexual violence, and the recruitment and use of children in armed conflict. Sanctions also support efforts by the international community to promote respect for human rights within CAR.

Why imposition of sanctions is a reasonable course of action for these purposes

12. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for influencing a change in behaviour from the CAR Government and the militia groups. As one of HMG's limited multilateral levers on CAR, sanctions are part of the core foreign policy strategy to shift the political trajectory towards peace, stability and long-term security.
13. The efforts by the international community to put pressure on the CAR Government and non-governmental actors, such as bilaterally deployed mercenaries, mean that keeping sanctions in place is a reasonable measure to take. National, regional and international stakeholders continue to express support for the 2019 Peace Accord and to take action to facilitate its implementation. For example, participants in the high-level meetings chaired by the guarantors of the 2019 Peace Accord (the African Union and the Economic Community of Central African States) called for action, including sanctions against those committing violations, to support the improvements in the fragile security situation in CAR since the signing of the 2019 Peace Accord.
14. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals with regard to CAR. The UK is combining sanctions with bilateral lobbying where possible, lobbying through

international frameworks, supporting UN resolutions and supporting the work of the UN Panel of Experts, which assists the UN's Central African Republic Sanctions Committee.

15. The policy intention is to keep the sanctions in place until HMG is assured that there has been an improvement in the areas of concern outlined in the purposes of these Regulations. The UK Government will continue to coordinate with international partners, including supporting the international pressure campaign and to push for the rigorous implementation of existing UN sanctions, and on the future of the sanctions regime.

Humanitarian impact

16. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds so that a licence may be granted for the export, making available, transfer, supply, or delivery of non-lethal military goods or military technology intended solely for humanitarian or protective use. A licence may also be granted for the provision of technical assistance, brokering services, financial services or funds related to non-lethal military goods and military technology intended solely for humanitarian or protective use. The sanctions regime includes a licensing ground in relation to the asset freeze measures on non-UN designated persons to enable anything to be done in connection with the performance of any humanitarian assistance activity. The deterioration in security in CAR since December 2020 has had negative implications for humanitarian access, with breaches of international humanitarian law by armed groups, government forces and their international proxies. Sanctions provide a tool to respond to these breaches.

Conclusion

17. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2536 on 28 July 2020 and UNSCR 2588 on 29 July 2021, which renew the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged apart from certain amendments to the arms embargo. The Statutory Guidance has been updated to reflect the amendments to the arms embargo. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

18. The Minister considers that carrying out the non-UN purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
19. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
20. The policy intention is that sanctions remain in place until HMG is assured that there has been an improvement in the areas of concern outlined in the purposes of these Regulations.
21. Before the removal of these sanctions could be considered, there would need to be an improvement in the areas of concern outlined in the purposes of these Regulations, with parties implementing the 2019 Peace Accord and the end of widespread violations of international humanitarian law and human rights violations and abuses.

10/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Chemical Weapons sanctions regime established by the Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address the proliferation and use of chemical weapons.
- The UK’s policy is to uphold the prohibitions on the development, possession and use of chemical weapons established by the Chemical Weapons Convention; and to support the mission of the Organisation for Prohibition of Chemical Weapons (OPCW) to achieve the vision of a world free of chemical weapons and the threat of their use.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands, and continue to use the regime as part of our wider policy response to deter the proliferation and use of chemical weapons.

The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019

1. The Chemical Weapons (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 20 March 2019, laid before Parliament on 22 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - g) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - h) whether there are good reasons to pursue that purpose, and
 - i) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purpose of the 2019 Regulations, as set out in regulation 4 of the Regulations, is as follows:

The purpose of the regulations contained in this instrument that are made under section 1 of the Act is to deter the proliferation and use of chemical weapons, including encouraging the effective implementation of the Chemical Weapons Convention.

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as of 11 October 2021	24
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out this purpose meets one or more of the conditions set out in section 1(2) of the Act. In particular, carrying out this purpose falls within paragraphs (2)(c), (d) and (h), in that it is in the interests of international peace and security, furthers a foreign policy objective of the government of the United Kingdom and contributes to multilateral efforts to prevent the spread and use of chemical weapons.
5. The United Nations Security Council has acknowledged that the proliferation of nuclear, chemical and biological weapons constitutes a threat to international peace and security, including in resolution 1540 (2004) adopted by the Security Council on 28 April 2004 in respect of non-State actors. The Chemical Weapons Convention prohibits the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by its 193 States Parties. The UK has itself implemented the Chemical Weapons Convention via the Chemical Weapons Act 1996. The UK continues to lead international efforts to encourage compliance with the Chemical Weapons Convention, and in particular to deter and prevent the use and proliferation of chemical weapons and to uphold global norms against this abhorrent behaviour.

Whether there are good reasons for pursuing these purposes

6. There are good reasons for pursuing the purpose of these Regulations, namely to address recent uses of chemical weapons, including attacks in Syria, Russia, Iraq, Malaysia and the United Kingdom. In Syria, the OPCW's Investigation and Identification Team (IIT) has found there are reasonable grounds to believe the Syrian air force was responsible for a chlorine attack in Saraqib in 2018 and for three chemical weapons attacks using sarin and chlorine in Ltamenah in 2017. The OPCW-UN Joint Investigative

Mechanism (JIM), in its reports of 24 August 2016, 21 October 2016 and 26 October 2017, concluded that there was sufficient information to determine that the Syrian Arab Armed Forces were responsible for three chemical weapons attacks in 2014 and 2015; that the Syrian Arab Republic was responsible for the use of sarin in 2017; and that Daesh used chemical weapons in 2015 and 2016. In addition, the OPCW's Fact Finding Mission has found the likely use of chemical weapons in Syria on multiple occasions, including in Douma on 7 April 2017. Beyond Syria, the Iraqi authorities have found that chemical weapons were used by Daesh in Iraq. A nerve agent was also used in an attack against a citizen of the Democratic People's Republic of Korea in Malaysia in 2017. Most recently, a nerve agent from the novichok group was used against Alexey Navalny in Russia on 20 August 2020. This followed the use of a novichok nerve agent in Salisbury in the United Kingdom on 4 March 2018, resulting in the death of one individual, seriously injuring four others, and endangering the lives of many more.

Why imposition of sanctions is a reasonable course of action for these purposes

7. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of deterring the use and proliferation of chemical weapons, including encouraging the effective implementation of the Chemical Weapons Convention.
8. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
9. Recent uses of chemical weapons, and the associated threat to international peace and security support the case for applying sanctions. The UK judges that sustained, coordinated international pressure, including sanctions, contributes to deterring chemical weapons attacks. We have acted in the OPCW, the UN and elsewhere to condemn the use of chemical weapons; and to promote accountability for those responsible for attacks.
10. These sanctions are not an end in themselves. Sanctions are one element of a broader strategy to achieve the UK's foreign policy goals on chemical weapons. Other elements include, inter alia, work to protect and strengthen the Chemical Weapons Convention and OPCW, the provision of assistance to other states to increase their ability to respond to chemical weapons threats, coordination of targeted and responsible export controls on

specific materials that could be used for chemical weapons, building international alliances, engagement through the UN and other multilateral fora, and bilateral lobbying.

Humanitarian impact

11. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

12. The Minister considers that carrying out the purpose of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
13. The Minister considers that the 2019 Regulations are still appropriate for this purpose, there are good reasons to pursue this purpose, and the imposition of sanctions is a reasonable course of action for this purpose.
14. The policy intention is that pursuing these sanctions will help address the ongoing threat posed by the use of proliferation of chemical weapons; and help to support the mission of the Organisation for Prohibition of Chemical Weapons (OPCW) to achieve the vision of a world free of chemical weapons.
15. Based on the information outlined above, the UK could consider the situation has improved when there are no further breaches of the Chemical Weapons Convention, and when the UK is presented with credible evidence of behavioural change from those who have previously been assessed as contributing to the use or proliferation of chemical weapons.

29 October 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime, established by the Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”), seeks to further the prevention of terrorism in the UK and elsewhere, and implements the UK’s international obligations under UN Security Council Resolution 1373 of 28 September 2001 (“UNSCR 1373”).
- UNSCR 1373 requires States to prevent the financing of terrorist acts, including freezing the funds and economic resources of persons who commit or attempt to commit terrorist acts or participate in or facilitate in such acts, and prohibit their nationals and those within their territories from making funds, financial services or economic resources available to such persons.
- The UK remains committed to increasing national capabilities and capabilities of key international partners to disrupt terrorist activity, and reduce the will and the ability of terrorist groups and individuals to carry out attacks. By imposing sanctions, the UK can constrain an individual or entity’s ability to commit terrorist acts, signal disapproval of terrorism and provide support for international partners facing terrorist threats.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands.

The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019

1. The Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 14 March 2019, laid before Parliament on 15 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b) whether there are good reasons to pursue that purpose, and

- c) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

(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 purpose of furthering the prevention of terrorism²⁴ in the United Kingdom or elsewhere, otherwise than by compliance with the relevant UN obligations.

(2) In this regulation, "the relevant UN obligations" means the obligations the United Kingdom has by virtue of paragraphs 1 and 2 of resolution 1373.

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

UK designations

Total number of designations as of 27 July 2021	44
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Review of the 2019 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2019 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purpose of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

²⁴ Section 62(1) of the Sanctions and Anti-Money Laundering Act 2018 defines "terrorism" as having the same meaning as in the Terrorism Act 2000 (c. 11) (see section 1(1) to (4) of that Act).

6. Carrying out the purpose of the 2019 Regulations meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular this purpose falls within paragraph (a) in that it furthers the prevention of terrorism, in the United Kingdom or elsewhere.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing the purpose of the 2019 Regulations, namely to further the prevention of terrorism both in the UK and globally and to enable the UK to impose sanctions on any person who is or has been involved in terrorist activity, including those who are, or have been, associated with those involved in terrorist activity. Additionally, the UK threat level remains at 'severe', meaning an attack is highly likely.
8. As detailed in the Integrated Review on Security, Defence, Development and Foreign Policy (2021), "*Terrorism remains a major threat to UK citizens and our interests overseas and abroad*". HMG maintains a commitment to ensuring a robust and full spectrum approach in response²⁵. Additionally, as part of the effort to innovate through National Security diplomacy, the 2021 Integrated Review details the use of sanctions as a means to, "*hold state and non-state actors to account for unacceptable behaviour – in addition to doing more to tackle state threats, terrorism and crime overseas, before they reach the UK*". It also reiterates the UK's commitment to increasing national capabilities and capabilities of key international partners to disrupt terrorist activity, and reduce the will and the ability of terrorist groups and individuals to carry out attacks.

Why imposition of sanctions is a reasonable course of action for these purposes

9. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of furthering the prevention of terrorism in the UK and elsewhere. Counter-Terrorism sanctions remain a practical weapon in the disruption of terrorism. Targeted sanctions constrain terrorists' ability to travel, access funds and receive weapons. This makes it more difficult for those involved in terrorist activity to access material to prepare or commit terrorist acts, and more difficult to travel for the purpose of facilitating terrorist activity, thereby contributing to the reduction in risk from terrorist plots and successful attacks.

²⁵ [HMG Integrated Review on Security, Defence, Development and Foreign Policy, 2021 \(Pg 80\)](#)

10. These prohibitions also enable allow the UK to demonstrate action against terrorists and terrorist groups, and signal a firm commitment to the prevention of global terrorism.

Humanitarian impact

11. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. When considering counter-terrorism sanctions measures and the potential impact on humanitarian activities, the UK government acknowledges the concerns of charities operating in areas subject to counter-terrorism financing measures and sanctions, including the problems of bank de-risking and other potential impacts of over-compliance which may inadvertently increase the terrorist financing or money laundering risk. The UK Government seeks to ensure that counter-terrorism sanctions measures are carefully targeted to ensure the maximum impact on sanctions targets while ensuring that that those measures do not themselves hinder the delivery of humanitarian assistance.

Conclusion

12. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.
13. The Minister considers that carrying out the non-UN purpose of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
14. The Minister considers the Regulations are still appropriate for that purpose, there are good reasons to pursue that purpose, and the imposition of sanctions is a reasonable course of action for that purpose.
15. The policy intention is that sanctions remain in place until the threat to the UK and its international partners from terrorism is substantially diminished.
16. In order for the above to be realised, there would need to be credible evidence to inform the UK and its international partners of behavioural and ideological change in individuals, entities and associations involved in, responsible for or providing support for terrorism and terrorist activity.

29 October 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Cyber (Sanctions) (EU Exit) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The UK Cyber sanctions regime established by the Cyber (Sanctions) (EU Exit) Regulations 2020 (“the Regulations”) seeks to further the prevention of malign cyber activity, and therefore effect a change in behaviour by malign cyber actors.
- The UK’s cyber sanctions policy is to send a strong signal that malicious cyber activity against the UK and our international partners and allies has consequences. Cyber sanctions impose meaningful costs for the reckless behaviour of state and non-state actors through asset freezes and travel bans.
- The threat which malign cyber actors pose to the UK and international partners has remained the same since the Regulations were laid in Parliament.
- The Regulations therefore remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands and to continue to use the regime as part of the UK’s wider policy response to counter malign cyber activity.

The Cyber (Sanctions) (EU Exit) Regulations 2020

1. The Cyber (Sanctions) (EU Exit) Regulations 2020 (“the Regulations”) were made on 15 June 2020, laid before Parliament on 17 June 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - j) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - k) whether there are good reasons to pursue that purpose, and
 - l) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the Regulations

2. The purposes of the Regulations, as set out in regulation 4 of the Regulations, are as follows:

4.—(1) The purpose of the regulations contained in this instrument that are made under section 1 of the Act is to further the prevention of relevant cyber activity.

(2) For the purpose of paragraph (1), “relevant cyber activity” means an activity falling within paragraph (3) which—

(a) undermines, or is intended to undermine, the integrity, prosperity or security of the United Kingdom or a country⁽⁴⁾ other than the United Kingdom,

(b) directly or indirectly causes, or is intended to cause, economic loss to, or prejudice to the commercial interests of, those affected by the activity,

(c) undermines, or is intended to undermine, the independence or effective functioning of—

(i) an international organisation, or

(ii) a non-governmental organisation or forum whose mandate or purposes relate to the governance of international sport or the Internet, or

(d) otherwise affects a significant number of persons in an indiscriminate manner.

(3) The following activity falls within this paragraph—

(a) accessing, or attempting to access, an information system,

(b) carrying out, or attempting to carry out, information system interference, or

(c) carrying out, or attempting to carry out, data interference, except where—

(i) the owner or other right holder of the information system or part of it has consented to such action,

(ii) there is a lawful defence to such action, or

(iii) such action is otherwise permitted under the law of the United Kingdom.

(4) For the purpose of paragraphs (2) and (3)— “data interference”, in relation to digital data on an information system, means—

(a) deleting, damaging, deteriorating, altering or suppressing that data,

(b) rendering that data inaccessible, or

(c) stealing that data or otherwise stealing funds, economic resources or intellectual property related to such data;

“information system” includes—

(a) a device or group of interconnected or related devices, one or more of which, pursuant to a programme, automatically processes digital data;

(b) digital data stored, processed, retrieved or transmitted by such a device or group of devices for the purposes of its or their operation, use, protection or maintenance; “information system interference” means hindering or interrupting the functioning of an information system by—

(a) inputting digital data,

(b) transmitting, damaging, deleting, deteriorating, altering or suppressing such data, or

(c) rendering such data inaccessible; “integrity”, in respect of a country (whether the United Kingdom or a country other than the United Kingdom), includes—

(a) the exercise of governmental functions of that country;

(b) the exercise of parliamentary functions in that country;

(c) the functioning of bodies, organisations or institutions involved in public elections or the voting process;

(d) the operation of the criminal or civil justice system in that country;

(e) the provision of essential services to the population, including banking, education, energy, healthcare, sewerage, transport or water;

(f) the operation of critical national infrastructure;

“international organisation” means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries; “prosperity”, in respect of a country (whether the United Kingdom or a country other than the United Kingdom), includes the effective functioning of the economy, or part of it, of that country.

Section 62(1) of the Sanctions and Anti-Money Laundering Act 2018 defines a “country” as including any territory, region or other place.

Designations

3. The status of designations under the Regulations is as set out in the following table:

Total number of designations as of 19 July 2021	12
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Whether carrying out the purposes of the Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within sub-paragraphs (b), (c), (d) and (i), in that it is in the interests of UK national security;

is in the interests of international peace and security; furthers foreign policy objectives of the UK government; and promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

5. The 2020 Integrated Review set a clear objective to establish the UK as a cyber power that protects our national security and the resilience of our CNI, supporting economic growth, creating new ways to pursue and protect our interests, enabling us to detect, deter and disrupt our adversaries in cyberspace and on the ground, and to influence the global environment to ensure a safe and beneficial digital future for all. Pursuing these purposes will help address the ongoing and increased threats in cyber space which know no international boundaries and have grown in terms of intensity, complexity and severity. Malign actors in cyberspace continue to execute successful operations against the UK and our allies attacking critical national infrastructure, democratic institutions, businesses and the media. These actors are demonstrating an increased risk appetite, be it for economic, strategic, regional or financial gain. Over the last few years there has been a rise in the scale and impact of these operations, with co-ordinated campaigns as opposed to single incidents that potentially allowed wide-ranging access to thousands of victims in countries globally and causing significant financial and material damage.

Why imposition of sanctions is a reasonable course of action for these purposes

6. The imposition of prohibitions and requirements of the kind imposed by the Regulations is a reasonable course of action for the purpose of furthering the prevention of relevant cyber activity. The UK believes sanctions can be an effective and reasonable foreign policy tool when used as part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve. Sanctions are not punitive, but do impose a cost on those designated under the Regulations, they are designed to bring about a change in policy or behaviour of targeted individuals, entities and, where applicable, their governments. They should be complementary to efforts to hold accountable the perpetrators of relevant cyber activities, including, where possible, criminal prosecution.
7. The objectives of the sanctions include to:
 - **Change behaviour** by imposing a meaningful consequence on those who carry out relevant cyber activity, coercing decision makers currently considering carrying out relevant cyber activity into concluding that it is too high cost. This will

also signal at a political level that relevant cyber activity has consequences, thereby having a deterrent effect.

- **Constrain** those who would seek to commit relevant cyber activity by restricting their access to finances and ability to travel, preventing them from carrying out relevant cyber activity as they would wish.

8. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's international policy goals for cyber space. Recent years have seen an increase in malicious cyber activity against the UK and our allies and these policy levers are even more important in work to deter this activity. Other elements include work on strengthening the rules-based international system, increasing the cost of engaging in malign cyber activity, promoting the use of deterrence measures, the provision of assistance to other states to increase their ability to respond to cyber threats, building international alliances, engagement through the UN and other multilateral fora, and bilateral lobbying. The UK will continue to coordinate with international partners to ensure effective international action against relevant cyber activity, and will support partners looking to implement their own cyber sanctions regime.

Humanitarian impact

9. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

10. The Minister considers that carrying out the purposes of the Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

11. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

12. The policy intention is that pursuing these sanctions will help address the ongoing threat in cyber space, and help to change and constrain the behaviour of malign cyber actors.

13. Based on the information outlined above, the UK could consider the situation has improved when presented with credible evidence of behavioural change on those who carry out relevant cyber activity, including evidence indicating that decision makers currently considering carrying out relevant cyber activity now conclude that it is too high cost.

17 September 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations
2019 Annual Review under section 30 of the Sanctions and Anti-Money
Laundering Act 2018

SUMMARY

- The sanctions regime established by The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to encourage the DPRK government to comply with relevant UN obligations and to bring about the complete, verifiable and irreversible denuclearisation of the DPRK.
- The situation involving DPRK’s nuclear and ballistic missile programmes has remained substantially the same since the Regulations were laid in Parliament.
- The 2019 Regulations implement the obligations in the following UN Security Council Resolutions: 1718 (2006); 1874 (2009); 2087 (2013); 2094 (2013); 2270 (2016); 2321 (2016); 2356 (2017); 2371 (2017); 2375(2017) and 2397 (2017). These obligations involve financial sanctions, an arms embargo, a range of trade prohibitions, and sanctions measures in relation to aircraft and ships.
- The UK policy is to disrupt, deter and increase the cost of DPRK efforts to develop its illicit nuclear weapon and ballistic missile programme. Our goal is for the DPRK to commit to complete, verifiable and irreversible denuclearisation. The imposition (and enforcement) of sanctions is part of the policy of pressure, intended to compel the DPRK to take steps toward this end goal, and fulfil its obligations under multiple UNSCRs. Additionally, in imposing and enforcing sanctions we seek to promote peace, security and stability on the Korean peninsula.
- The Minister has therefore decided to maintain the regime as it stands.

The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019

1. The Democratic People’s Republic of Korea (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 5 March 2019, laid before Parliament on 8 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –

- m) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
- n) Whether there are good reasons to pursue that purpose, and
- o) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

(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 obligations²⁶, and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are—

- (a) restricting the ability of the DPRK to carry on banned programmes,*
- (b) promoting the abandonment by the DPRK of banned programmes and the decommissioning of the DPRK’s banned weapons, and*
- (c) otherwise promoting peace, security and stability on the Korean peninsula,*

otherwise than by compliance with the relevant UN obligations.

Designations and ship specifications

3. The status of designations and ship specifications under the 2019 Regulations is as set out in the following tables:

UN designations and ship specifications

Total number of designations as of the date of this annual review	192
Total number of ship specifications as of the date of this annual review	37

UK designations and ship specifications

Total number of designations as of the date of this annual review	66
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²⁶ As defined in the 2019 Regulations.

Total number of ship specifications as of the date of this annual review	0
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Review of the 2019 Regulations

- 4. There have been no substantive changes to the UN’s DPRK sanctions measures since the 2019 Regulations were made and the UK’s UN obligations remain unchanged. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for the purpose of implementing those obligations.

Whether carrying out the non-UN purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

- 5. Carrying out these discretionary purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within paragraphs (c), (d), and (h), namely it is in the interests of international peace and security, furthers a foreign policy objective of the government of the United Kingdom, and contributes to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction.
- 6. In particular, carrying out these purposes falls within paragraph (c) in that promoting peace, security and stability on the Korean peninsula is in the interests of international peace and security; and within paragraph (d) in that this purpose furthers the UK’s foreign policy objective to bring about a complete, verifiable and irreversible denuclearisation on the Korean peninsula.

Whether there are good reasons for pursuing these purposes

- 7. There are good reasons for pursuing these purposes, namely to disrupt the DPRK’s efforts to develop banned weapons (nuclear, biological and chemical weapons, ballistic missiles and other weapons of mass destruction). Her Majesty’s Government continues to support international pressure on the DPRK to bring it into compliance with international law, and to push for the rigorous implementation of existing sanctions until the DPRK takes concrete steps towards complete, verifiable and irreversible denuclearisation.
- 8. In 2019 the DPRK resumed ballistic missile tests by carrying out 13 sets of launches, violating multiple UNSCRs. It continued in this vein with an additional 4 sets of launches in 2020 and a further set of ballistic missile tests in 2021. These operations have relied on illicit ship-to-ship transfers of refined petroleum (the DPRK is not a

natural producer of oil and has a UNSCR mandated cap of 500,000 barrels), as well as revenue generated from illegal coal transfers (mostly delivered into China as covered by a 2021 Panel of Experts report)²⁷. In addition to this, criminal cyber activities are estimated by the 1718 Panel of Experts as raising \$316.4 million for the DPRK between 2019 and November 2020.²⁸ Furthermore, the 1718 Panel of Experts have reported that the DPRK continue to send labourers overseas to countries in Africa, South East Asia, and Europe despite the 2019 deadline for repatriation. Workers continue to earn income in the fields of IT, construction, electronics and agriculture. The UK continues to work with international partners to ensure that sanctions enforcement is coherent and coordinated.

9. Despite the DPRK's commitment in the 2018 Singapore Declaration to 'work toward complete Denuclearisation of the Korean peninsula', as of 2021, the DPRK has taken no steps to abandon its weapons of mass destruction, or to engage in negotiations on this issue with the international community.
10. We believe that the best way to achieve peace, security and stability on the Korean peninsula is through complete, verifiable and irreversible denuclearisation of the DPRK.

Why imposition of sanctions is a reasonable course of action for these purposes

11. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for these purposes, in order to influence a change in the behaviour from the government in the DPRK. Sanctions restrict the ability of the DPRK to sustain its nuclear and missile programmes and help prevent the spread of weapons and materials of mass destruction to other actors.
12. Since 2018, the DPRK has not met its commitments made in the Singapore Declaration. The UK and international partners will therefore maintain pressure on the DPRK in the form of sanctions enforcement to constrain illicit behaviour.
13. The UK continues to believe that sanctions are an effective and reasonable foreign policy tool as part of a broader foreign policy strategy and help to send a strong message against the proliferation of weapons of mass destruction. These sanctions

²⁷ <https://undocs.org/S/2021/211> (p.28)

²⁸ <https://undocs.org/S/2021/211> (p.56)

are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals with regard to the DPRK.

14. The policy intention is that sanctions remain in place until the international community is assured that the DPRK has met its obligations under UN Security Council resolutions. This position may be reached by evidence to show that the DPRK has taken concrete and verifiable steps towards complete, verifiable and irreversible denuclearisation. The UK Government will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

15. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. With respect to financial sanctions licences, the regulations enable a licence to be granted to enable anything to be done in connection with the performance of humanitarian assistance activity. Prohibitions with respect to trade, aircraft and ships do not apply to anything done under the authority of a licence issued by the Secretary of State under the 2019 Regulations. There is also an exception for the transfer of funds where transactions are for certain humanitarian purposes and of a value of £13,000 or less.
16. Based on UK analysis of available data covering the period 2017-19, there is no compelling evidence to suggest that the hardship already experienced by the DPRK people has substantially increased as a result of sanctions. Overall GDP points to less opportunities for growth, but not wholesale loss of income. Purchasing power for the average consumer likely decreased, but not to crisis levels. Agricultural prices remained stable.
17. This data offers a baseline as of 2019 for assessing the impact of sanctions on the DPRK. The Covid-19 pandemic and border shut-down in 2020-21 have affected the ability of UN agencies to access and support the DPRK people and have prevented aid shipments from entering the country since January 2020. Without an international presence able to access affected areas, it is not possible to arrive at a full assessment. We will work to restore the British Embassy presence in Pyongyang once it is safe and possible to do so, and encourage the DPRK to allow entry for international

humanitarian agencies to carry out an independent assessment of humanitarian needs, and to allow aid to flow freely into the country.

18. Sanctions are not targeted at the North Korean people and the UK fully supports the delivery of humanitarian support to the most vulnerable in North Korean society. In support of this goal, UK multilateral support is provided through centrally managed programmes by the UN, though the delivery of this aid has likely been impacted by the DPRK's ongoing border closures in response to Covid-19. All government aid spending is subject to robust scrutiny to ensure it represents value for money for British taxpayers.
19. The UK continues to make clear to the DPRK that international support is available and continues to urge the DPRK to restore international access and monitoring for humanitarian assistance.

Conclusion

20. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.
21. The Minister considers that carrying out the non-UN purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
22. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
23. The policy intention is that sanctions remain in place until the international community is assured that the DPRK has met its obligations under UN Security Council resolutions. Sanctions continue to restrict the ability of the DPRK to sustain its nuclear and missile programmes and help prevent the spread of weapons and materials of mass destruction to other actors.
24. The UK will have deemed the DPRK to have met its obligations under UN Security Council resolutions when the DPRK take the following concrete steps:

- i. Ultimately, abandon their weapons of mass destruction programme through complete, verifiable and irreversible denuclearisation.
- ii. Take measurable steps to comply with international laws set by United Nations Security Council Resolutions.
- iii. Engage in meaningful negotiations with the United States, Republic of Korea and key international players toward denuclearisation
- iv. Demonstrate the political will to sustain the above measures.

08/11/2021

Lord Ahmad of Wimbledon

Minister of State for South Asia, the UN and the Commonwealth, Foreign, Commonwealth and Development Office, on behalf of the Secretary of State for Foreign, Commonwealth and Development Affairs

The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime established by The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 seeks to promote the resolution of the armed conflict in the Democratic Republic of the Congo (“DRC”); to promote respect for human rights, and compliance with international humanitarian law; and respect for democracy, the rule of law and good governance in the DRC.
- The situation in the DRC has remained the same. Conflict continues unabated in Eastern DRC, with frequent human rights abuses and violations a high proportion of which are committed by state actors. More than 5 million people remain displaced by violent conflict.
- In May 2021, the Congolese government (“the DRC Government”) put in place a State of Siege in eastern DRC in an attempt to bring stability to the region, with military leadership installed in Ituri and North Kivu. This has yet to produce a noticeable impact on the protection of civilians, and there are concerns that an overly militarised approach may lead to further human rights violations and abuses.
- While some positive progress has been seen at a national level with moves to enact reforms, there are still significant risks around political and other fundamental freedoms ahead of 2023 elections.
- The 2019 Regulations implement the obligations in UN Security Council Resolutions 1807 of 31 March 2008 (“UNSCR 1807”) and 2582 of 29 June 2021 (“UNSCR 2582”), namely the imposition of financial sanctions (asset freezes) and an arms embargo.
- The policy intention is that sanctions remain in place until there is clear evidence of steady, consistent and sustained progress towards the resolution of armed conflict and in the human rights and democracy situation (with a reduction in abuses and violations, an increase in effective accountability measures to counter the current culture of impunity, and a clear pathway to credible and inclusive 2023 elections).
- The Minister has therefore decided to maintain the regime.

The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019

1. The Democratic Republic of the Congo (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 4 March 2019, laid before Parliament on 5 March 2019 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - p) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - q) Whether there are good reasons to pursue that purpose, and
 - r) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:
 - 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 obligations²⁹, and*
 - (b) *the additional purposes mentioned in paragraph (2).*
 - (2) *Those additional purposes are to promote—*
 - (a) *resolution of the armed conflict in the Democratic Republic of the Congo;*
 - (b) *respect for human rights, and compliance with international humanitarian law, including, in particular, in relation to—*
 - (i) *the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in the Democratic Republic of the Congo, including in the context of—*
 - (aa) *rape, mass rape and other forms of sexual and gender-based violence;*
 - (bb) *deliberate targeting of civilians, schools and hospitals;*
 - (cc) *recruitment or use of children as soldiers;*
 - (ii) *the right of persons in the Democratic Republic of the Congo to the freedom of expression and peaceful assembly;*

²⁹ As defined in the 2019 Regulations.

*(c) respect for democracy, the rule of law and good governance in the Democratic Republic of the Congo;
otherwise than by compliance with the relevant UN obligations.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following tables:

UN designations

Total number of designations as of the date of this review	45
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UK designations

Total number of designations as of the date of this review	11
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Review of the 2019 Regulations

4. Since the 2019 Regulations were made, the UN Security Council has adopted resolutions - UNSCR 2528 on 25 June 2020 and UNSCR 2582 on 29 June 2021 - which renew the sanctions obligations implemented by the 2019 Regulations. The UN obligations are unchanged, apart from the addition of a new designation criterion included in UNSCR 2582 which decided that the Security Council Committee concerning the DRC, which oversees the sanctions measures imposed by the Security Council, may designate individuals and entities for planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel.
5. The 2019 Regulations were amended by the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021 to implement the UK's obligations under UNSCR 2582. As the 2019 Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within

paragraph 2(e) in that the Regulations aim to promote the resolution of the armed conflict in the DRC, (2)(f)(ii), in that it provides accountability for or is a deterrent to gross violations and abuses of human rights, or otherwise promotes respect for human rights, 2(g) as these sanctions aim to promote compliance with international humanitarian law (IHL), and 2 (i) as these sanctions aim to promote respect for democracy, the rule of law and good governance in the DRC.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes, namely to address the ongoing violations of IHL and human rights abuses and violations taking place in the DRC, and to mitigate the risks of further deterioration ahead of 2023 elections. A high proportion of human rights violations and abuses in the DRC are committed by state actors. Sanctions are imposed to put pressure on state actors and others who breach human rights to improve respect for human rights in the DRC. The situation remains of serious concern to both the UK and the international community, as evidenced by the United Nations Joint Human Rights Office (“UNJHRO”) monthly reports. IHL violations and human rights abuses and violations include sexual and gender-based violence, including the use of rape and mass rape as a weapon of war, arbitrary arrest and detention, extrajudicial killings and corrupt judicial processes.

8. In the DRC, more than 5 million people remain displaced by violent conflict. Violence is perpetrated by a range of rebel groups, local armed self-defence groups, and DRC Government security forces. Competition and conflict relating to land, and to the resources found on that land, fester as a result of inadequate dispute resolution mechanisms. The DRC Government’s response is often heavy-handed and poorly conceived, leading to further violence and human rights violations. In May 2021, the DRC Government put in place a State of Siege in the eastern DRC in an attempt to bring stability to the region, with military leadership installed in Ituri and North Kivu. This has yet to produce a noticeable impact and there are concerns that an overly militarised approach may lead to further IHL violations and human rights violations and abuses. A military solution alone will not solve these issues. The DRC Government has established a national programme on Community Disarmament, Demobilisation, Reintegration and Stabilisation led by a national coordinator. But limited progress has been made to date. Government progress on critical issues such as security sector reform and disarmament, demobilisation and reintegration are required to provide any possibility of resolving the conflict in the immediate future. Armed groups, in return, continue to exploit resources for their own benefit and commit serious human rights

abuses towards the population as a means of consolidating power. Community level peacebuilding and dispute resolution must also form part of the solution, alongside an inclusive and credible democratic process that ensures responsibility for improvement of the lives of Congolese people.

9. While some positive progress has been seen at a national level with moves by President Tshisekedi to enact reforms, there remain significant risks to democratic and human rights in DRC, which have not improved significantly since 2018. Freedom of assembly, opinion and expression in the DRC remain restricted. Restriction of democratic space is a common problem with some political rallies disrupted or repressed by security forces, often through the use of excessive force. The issue of politically motivated, arbitrary arrests remains a concern. Corruption, lack of transparency and poor governance has been the normal operating mode of the DRC Government. A weak judicial system allows a culture of impunity and protection for those defying the rule of law to continue.

Why imposition of sanctions is a reasonable course of action for these purposes

10. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purpose of promoting the resolution of the armed conflict as well as respect for human rights and compliance with international humanitarian law, respect for democracy, the rule of law and good governance in the DRC.
11. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
12. Sanctions are a reasonable measure due to the serious, ongoing, violations of IHL and human rights violations and abuses in the country including extrajudicial killings, torture, rape, mass-rape, and the recruitment of child soldiers. They are also necessary given the political situation, where some limited gains since 2018 remain fragile, and where tensions have increased around perceived bias of the political settlement and electoral process. Impunity for those committing violations of IHL and human rights abuses and violations remain rife. Sanctions are part of the UK Government's strategy to promote respect for IHL and human rights in the DRC by targeting individuals who are responsible for violent and destabilising acts and to hold them accountable. It is also a

means of putting pressure on the DRC Government and all of the diverse actors involved in influencing them to take action and implement steps to improve the human rights situation.

13. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in the DRC – most notably stability, good governance and respect for human rights. As President Tshisekedi continues to deliver reforms required to reduce conflict in Eastern DRC the UK Government continues to monitor the situation for signs of substantive improvement and to inform possible future decisions about the lifting of sanctions. Direct lobbying alone has not proved sufficient and the UK is therefore combining sanctions with bilateral lobbying and a close review of other power brokers with a range of allegiances in the DRC. This includes lobbying through international frameworks including the International Contact Group for the Great Lakes region, supporting UN initiatives, including the Human Rights Council and Universal Periodic Review of the DRC, UN Security Council resolutions and the mandate of the UN peacekeeping mission in the DRC (MONUSCO). The British Embassy in Kinshasa also works through programme funding to document and tackle human rights violations and abuses.

14. The policy intention is that sanctions remain in place until the UK Government is assured that there is clear evidence of steady, consistent and sustained progress towards the resolution of armed conflict and in the human rights situation, with a reduction in abuses and violations and an increase in effective judicial and democratic accountability measures to counter the current culture of impunity. This is likely to necessitate evidence of concrete steps to improve the areas of concern outlined in the purposes of these Regulations. Examples include the introduction/amendment of laws that progress the rule of law in the DRC, confirmation of release of political prisoners, and indications that the security services respond more proportionately to cases of civil unrest. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

15. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable a licence to be granted for the export, making available, transfer, supply or delivery of non-lethal military goods or technology if the goods or technology are

intended solely for humanitarian assistance activities or for protective use. A licence may also be granted for the provision of technical assistance, brokering services, financial services or funds relating to military goods or technology if the technical assistance, brokering services, financial services or funds relate to non-lethal military goods and technology intended solely for humanitarian assistance activities or for protective use. The sanctions regime includes a licensing ground in relation to the asset freeze measures on non-UN designated persons to enable anything to be done in connection with the performance of any humanitarian assistance activity. This includes the work of international and non-governmental organisations carrying out relief activities in the DRC for the benefit of the civilian population there.

Conclusion

16. Since the 2019 Regulations were made, the UN Security Council has adopted UNSCR 2582 on 29 June 2021 which decided that the Security Council Committee concerning the DRC may designate individuals and entities for planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel. The 2019 Regulations were amended by the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021 to implement the UK's obligations under UNSCR 2582. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.
17. The Minister considers that carrying out the non-UN purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
18. The Minister considers the 2019 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
19. The policy intention is that sanctions remain in place until the UK Government is assured that there is clear evidence of steady, consistent and sustained progress towards the resolution of armed conflict and in the human rights situation, with a reduction in abuses and violations and an increase in effective judicial and democratic accountability measures to counter the current culture of impunity.
20. The UK would require evidence of concrete steps to improve the areas of concern outlined in the purposes of the 2019 Regulations. Examples include the

introduction/amendment of laws that progress the rule of law in the DRC, a clear path to credible and inclusive 2023 elections and indications that the security services respond more proportionately to unrest and political opposition.

10/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Global Human Rights Sanctions Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Global Human Rights sanctions regime established by the Global Human Rights Sanctions Regulations 2020 (“the 2020 Regulations”) seeks to deter and provide accountability for those involved in serious human rights violations or abuses around the world.
- The UK’s policy is to promote and defend human rights around the world and hold to account the perpetrators of the worst human rights violations and abuses, including through the use of sanctions.
- The 2020 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the 2020 Regulations and to continue to use the regime as part of our wider policy response to promote and defend human rights around the world.

The Global Human Rights Sanctions Regulations 2020

1. The Global Human Rights Sanctions Regulations 2020 (“the 2020 Regulations”) were made on 5 July 2020, laid before Parliament on 6 July 2020 and came into force on 6 July 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - s) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - t) whether there are good reasons to pursue that purpose, and
 - u) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations as set out in regulation 4 of the Regulations, are as follows:
 - a. *The purposes of the regulations contained in this instrument are to deter, and provide accountability for, activities falling within paragraph (2).*

- b. *An activity falls within this paragraph if it is an activity which, if carried out by or on behalf of a State within the territory of that State, would amount to a serious violation by that State of an individual's—*
 - i. *right to life,*
 - ii. *right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, or*
 - iii. *right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour,**whether or not the activity is carried out by or on behalf of a State.*
- c. *An activity falls within paragraph (2) if it is carried out—*
 - i. *outside the United Kingdom by any person, or*
 - ii. *in the United Kingdom by a person who is not a United Kingdom person.*
- d. *In paragraph (2), an “activity” includes an omission.*

Designations

- 3. The status of designations under the 2020 Regulations is as set out in the following table.

Total number of designations as of 23 rd September 2021	78
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Whether carrying out the purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

- 4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes provides accountability for, or is a deterrent to, gross violations of human rights, or otherwise promotes compliance with international human rights law or promotes respect for human rights (subsection (2)(f)), and promotes respect for democracy, the rule of law and good governance (subsection (2)(i)).

Whether there are good reasons for pursuing these purposes

- 5. There are good reasons for pursuing these purposes. Inherent to all human beings by virtue of their dignity, human rights are the universal concern of all States. Human rights form an integral part of the rules-based international system, which the UK seeks to promote and defend by encouraging fulfilment by States of their international human rights obligations, increasing pressure on repressive and authoritarian States, and holding States to account for human rights violations. Protection and promotion of

human rights is in the UK national interest. Human rights violations and abuses perpetuate violent conflict, create a world in which terrorism can flourish and weaken democratic institutions and inclusion. They have a devastating impact on individuals and place the safety of societies at risk. Successfully deterring human rights violations and abuses can help create fairer and more just societies, which support the long-term global conditions most conducive to security economic growth and the safety of all.

6. There are good reasons for focussing on the three human rights in question: (a) the right to life, (b) the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, and (c) the right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour. Although the UK does not recognise a hierarchy of human rights, and takes all of its international legal obligations seriously, violations and abuses of these particular rights directly concern the physical and mental integrity of the person, and have a devastating and often irreversible impact on individuals, as well as on wider society. It is important to deter such violations and abuses from occurring, provide accountability, and send a clear message that such acts are unacceptable.
7. The rights in question are also reflective of the human rights sanctions regimes of other international partners, including the US, Canada and the EU. Focusing on providing deterrence and accountability for serious violations and abuses of the above rights allows coordinated, targeted, and appropriate responses to the most serious human rights violations and abuses across the world. For example, on 22 March 2021 the UK imposed sanctions on four Chinese officials and one entity involved in serious human rights violations in Xinjiang. These measures complemented action taken by the US, Canada and the EU on the same day.
8. There are also good reasons for seeking to deter and provide accountability for acts by both State and non-State actors. The UK position is clear that non-State actors do not have obligations under international human rights law. We nonetheless recognise the harmful and devastating impact that non-State actors can have on individuals' mental and physical well-being. In some cases non-State actors have acquired a degree of control over people and in the process exhibit behaviours that are incompatible with respect for human rights. Focussing only on State actors would accordingly only provide partial accountability for such behaviour.

9. Carrying out these purposes also furthers the UK's foreign policy goals (subsection (2)(d)).

As detailed in the Integrated Review on Security, Defence, Development and Foreign Policy (2021), upholding universal human rights remains a priority and *“we will continue to act as a force for good in standing up for human rights around the world, providing support to open societies and using our independent (‘Magnitsky-style’) sanctions regime to hold to account those involved in serious human rights violations and abuses.”*

10. Pursuing these purposes is consistent with, and complements, other elements of the UK's foreign policy. This includes using existing geographical human rights sanctions regimes to address human rights violations and abuses in particular States, using bilateral tools such as political lobbying, public statements, human rights dialogues, project work, technical assistance, and also through multilateral engagement.
11. Carrying out these purposes also furthers the interests of national security (subsection (2)(b)). HMG is working to address the root causes of terrorism and other national security problems. It seeks to build alliances to strengthen the rules-based international system, and promote our values and interests, and to weaken the drivers of terrorism by supporting extensive work on human rights and good governance. Carrying out these purposes sends strong messages to those who perpetrate serious human rights violations or abuses, including those involved in terrorism.
12. Finally, there are good reasons for targeting serious human rights violations or abuses carried out in the UK by non-UK persons. In some cases individuals acting on behalf of a foreign state, or visiting from a foreign State, have carried out human rights violations on UK territory and then have left the jurisdiction making traditional forms of law enforcement ineffective. It is entirely appropriate to take action in such cases, and doing so promotes compliance with international human rights law and respect for human rights.

Why imposition of sanctions is a reasonable course of action for these purposes

13. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for the purposes set out in the Regulations.

14. There are two principal kinds of prohibition in the Regulations: those relating to financial sanctions, and those relating to immigration sanctions. The freezing of financial assets of persons involved in serious human rights violations and abuses provides a deterrent to those involved, including those who profit financially from such violations and abuses. Protecting the integrity of the UK financial system is a fundamental interest of the UK. It is, furthermore, in the interests of UK public policy that persons who have been involved in serious human rights violations or abuses should not be permitted entry to the UK, nor should the financial capital of such persons or financial capital that might have been accrued from such activities be held or invested in the UK.

Humanitarian impact

15. Sanctions measures under the 2020 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable anything to be done in connection with the performance of any humanitarian assistance activity. This includes the work of international and non-governmental organisations carrying out relief activities for the benefit of the civilian population of a country.

Conclusion

16. The Minister considers that carrying out the purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
17. The Minister considers the 2020 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
18. The policy intention is that pursuing these sanctions will help promote and defend human rights around the world and hold to account the perpetrators of the worst human rights violations and abuses.
19. Based on the information outlined above, the UK could consider the situation has improved when presented with credible evidence of behavioural change from those

who have previously been assessed as carrying out serious human rights violations or abuses, including evidence indicating that those carrying out or considering carrying out such activities now conclude that it is too high cost, and/or a sufficient degree of accountability is secured for serious human rights violations and abuses around the world.

08/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Guinea (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Guinea sanctions regime established by The Guinea (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to encourage the Government of Guinea to investigate properly the violent repression in Guinea on 28th September 2009 and the aftermath of that violent repression, and hold to account and bring criminal proceedings against the persons responsible for that violent repression and its aftermath.
- The policy intention is that sanctions remain in place until the Government of Guinea has properly investigated the violent repression of 28th September 2009 and its aftermath and has held those involved to account.
- The situation in Guinea has remained the same.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to take no action.

The Guinea (Sanctions) (EU Exit) Regulations 2019

1. The Guinea (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 18 July 2019, laid before Parliament on 19 July 2019 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - v) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - w) whether there are good reasons to pursue that purpose, and
 - x) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

- *encouraging the Government of Guinea to investigate properly the violent repression in Guinea on 28th September 2009 and the aftermath of that violent repression, and hold to account and bring criminal proceedings against the persons responsible for that violent repression and its aftermath.*³⁰

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table.

Total number of designations as of 19/07/2021	5
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within paragraph (f) in that it aims to provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote compliance with international human rights law, or respect for human rights and (i) in that it promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

5. There are good reasons for pursuing these purposes, namely to address the violent repression that took place in Guinea on 28 September 2009 and the aftermath of that violent repression. The Guinean security forces killed more than 150 people peacefully demonstrating in a stadium in the capital, Conakry. Hundreds of people were wounded and more than a hundred women were victims of rape and other forms of sexual violence. The domestic investigation, which began in February 2010 and concluded in late 2017, has progressed slowly amid political, financial, and logistical obstacles. More than three years since the investigation closed with a recommendation that the individuals be indicted and a trial be held, a date is still to be set for it. The surviving victims continue to demand justice. The British Ambassador to Guinea continues to call for the alleged perpetrators to be brought to trial. As an interim measure, the UK Government welcomes the work of The Global Survivors Fund and its Guinean

³⁰ The findings of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea are set out in their report which can be found on the UN website <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Guinea%20S%202009%20693.pdf>

partners in designing a reparation project which provides survivors, who have been rejected by society for being victims, with psychological, medical and financial support.

Why imposition of sanctions is a reasonable course of action for these purposes

6. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of encouraging the Government of Guinea to investigate and hold to account the persons involved in the violent crackdown on 28 September 2009 and its aftermath, and to act as a deterrent. Applying these sanctions signals that the events of 2009 have not been forgotten and that those responsible should be held to account, as well as providing a deterrent for the future.
7. Sanctions can be used to change behaviour, constrain damaging action, or send a signal of condemnation. The UK Government believes sanctions are an effective and reasonable foreign policy tool if they are part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
8. These sanctions are not an end in themselves. They are one element of a broader strategy of pressure and engagement to achieve the UK's foreign policy goals in respect of Guinea. These are amongst others to see Guinea increasingly protecting human rights, ending FGM and tackling impunity for corruption. The policy intention is to keep the sanctions on the Republic of Guinea in place until the perpetrators of violent repression on 28 September 2009 and its aftermath have been held accountable. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

9. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

10. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

11. The Minister considers that the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
12. The policy intention is that sanctions remain in place until the Government of Guinea has properly investigated the violent repression of 28th September 2009 and its aftermath and has held those involved to account.
13. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these Regulations, such as a trial taking place, and appropriate sentencing in the case of a guilty verdict.

19th August 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The situation the sanctions regime established by The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address is concern about any actions that undermine the peace, security or stability of the Republic of Guinea-Bissau. The situation in the Republic of Guinea-Bissau has improved. However, there are still residual concerns about long-term stability.
- The policy intention is that sanctions remain in place until the UK Government is assured that actions are being undertaken to strengthen democracy and the rule of law in Guinea Bissau.
- The Minister has therefore decided to maintain the regime as stands due to ongoing concerns about long-term stability in Guinea-Bissau.

The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019

1. The Republic of Guinea-Bissau (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 13 March 2019, laid before Parliament on 15 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - y) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - z) Whether there are good reasons to pursue that purpose, and
 - aa) Whether the imposition of sanctions is a reasonable course of action for that purpose.

The 2019 Regulations run in parallel to UNSCR 2048 (2012) in respect of Guinea-Bissau, under which the UN Security Council and the Sanctions Committee designated persons responsible for the coup d’etat of 12 April 2012 for the purposes of travel bans. These travel bans are implemented via section 8B of the Immigration Act 1971.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

to encourage the abandonment of actions that undermine the peace, security or stability of Guinea-Bissau.

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

UK designations

Total number of designations as at the date of this annual review	5
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act, namely it is (c) in the interests of international peace and security, and (i) promotes respect for democracy, the rule of law and good governance.
5. There have been improvements since the initially-contested 2019/2020 elections. A government is in place following several years of political impasse between the President and Prime Minister and successive, very short governments between 2015 and 2020. However, there is still a significant risk of instability in Guinea-Bissau. Key reforms to tackle conflict drivers and help solidify rule of law and democracy in Guinea-Bissau remain outstanding, and military and political actors who have been involved in past destabilising activity still hold positions of influence in the country. Additionally, the military continues to be an influential force in Guinea Bissau's fragile politics. The UK Government continues to engage with the Government of the Republic of Guinea-Bissau to promote the rule of law and democratic principles.

Whether there are good reasons for pursuing these purposes

6. There are good reasons for pursuing this purpose, namely to continue to encourage the abandonment of actions that undermine the peace, security or stability of the Republic of Guinea-Bissau. There are still significant concerns around the military's

role and power in Guinea Bissau, and their links to serious organised crime, in particular drugs trafficking. This represents a serious and continued threat to longer-term stability.

Why imposition of sanctions is a reasonable course of action for these purposes

7. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purpose of encouraging the abandonment of actions that undermine the peace, security or stability of the Republic of Guinea-Bissau. These restrictions provide a signalling intention to those who seek to prevent or block peaceful political processes, or who take action that undermines stability in the Republic of Guinea-Bissau in the aftermath of the 2019/2020 electoral cycle.
8. In this context, the sanctions regime continues to have a deterrent effect on potential spoilers, whether political or military in nature. This continued deterrent effect is also important against the backdrop of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS')³¹ withdrawal from Guinea-Bissau at the end of last year. It would send the wrong signal to change the regime now, when a fragile stability has yet to be consolidated and the UN Security Council is no longer able to monitor and support Guinea Bissau's path to stability.
9. We will continue to monitor the situation and keep this regime under review. Potential triggers for a removal of the sanctions regime include: political and institutional reforms being undertaken to strengthen democracy in Guinea Bissau; signs that the military – including those connected to the 2012 coup - are withdrawing fully from politics; and concrete steps to tackle serious and organised crime, in particular drugs trafficking, are being taken.

Humanitarian impact

10. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences, including any humanitarian impact, are minimised.

³¹ <https://uniogbis.unmissions.org/en/mandate>

Conclusion

11. The Minister considers that carrying out the purposes of the regime continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act, in particular ongoing concerns about long-term stability.
12. The UK Government is prepared to consider amending or revoking the regime subject to forthcoming reforms to the constitution and other areas (judicial sector, electoral law etc). The UK Government would also like to see the new government demonstrate a will to undertake actions to consolidate democracy in Guinea-Bissau, including freedom of assembly and freedom of the press. The UK Government is prepared to consider amending or revoking the regime subject to further actions by the government to consolidate democracy in Guinea-Bissau and address the drivers of persistent instability, including institutional reforms and action to tackle drugs-trafficking.
13. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
14. The policy intention is that sanctions remain in place until at least July 2022, when the next review takes place.
15. As above, potential triggers for a removal of the sanctions regime include: political and institutional reforms being undertaken to strengthen democracy in Guinea Bissau; signs that the military - including those connected to the 2012 coup - are withdrawing fully from politics; and concrete steps to tackle serious and organised crime, in particular drugs trafficking.

29 October 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Iran (Human Rights) sanctions regime established by the Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address the human rights situation in Iran.
- The policy intention is that sanctions remain in place until the human rights situation in Iran has improved, or demonstrated steady and consistent improvement over a sustained period of time.
- The situation in Iran has remained the same.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands.

The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019

1. The Iran (Sanctions) (Human Rights) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 29 January 2019, laid before Parliament on 31 January 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - bb) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - cc) whether there are good reasons to pursue that purpose, and
 - dd) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Government of Iran to comply with

international human rights law and to respect human rights, including in particular, to—

- (a) respect the right to life of persons in Iran, for example by refraining from the execution of juvenile offenders in all circumstances;*
- (b) respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Iran, including—*
 - (i) torture or other inhuman or degrading treatment with a view to extracting information from detained persons,*
 - (ii) inhuman and degrading conditions in prisons, and*
 - (iii) forms of punishment such as flogging and amputation;*
- (c) respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Iran;*
- (d) afford persons in Iran charged with criminal offences the right to a fair trial;*
- (e) afford journalists, human rights defenders and other persons in Iran the right to freedom of expression and peaceful assembly;*
- (f) secure the human rights of persons in Iran 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.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as of August 19 th 2021	83
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within paragraph (2)(f), in that it provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law, or respect for human rights. The Government of Iran continues to violate its international human rights obligations and the UK continues to lead international efforts to encourage Iran to comply with international human rights

law and to respect human rights. The UK does this through diplomatic engagement with the Iranian Government, public diplomacy, action in multilateral fora including the UN Security Council and Human Rights Council, support for the UN Special Rapporteur for human rights in Iran and by imposing sanctions on human rights violators.

Whether there are good reasons for pursuing these purposes

5. There are good reasons for pursuing these purposes, namely to address the significant human rights violations that have taken place in Iran, in contravention of its international human rights obligations, since January 2019 when a report under section 2(4) of the Act was made.
6. The situation remains of serious concern to both the UK and the international community as evidenced by, inter alia, the renewed mandate for a UN Special Rapporteur for Human Rights in Iran, and an annual resolution voted on by the UN Third Committee. Consistently documented violations are set out in the conclusions of the UN Special Rapporteur's most recent report.³² These include violations of: the right to life, including the execution of child offenders; the right to not be tortured or mistreated; and the right to freedom of assembly, opinion and expression.
7. In 2019, Iran carried out the most deadly crackdown against internal unrest, triggered by a sudden raise in petrol prices since the 1979 revolution. There were credible reports of live fire against protesters, where over 300 people died, mass arrests of over 7,000 individuals, while the internet was shut down across the entire country. The UK and European Union member states unanimously declared the widespread and disproportionate use of force as unacceptable, and called for the freedoms of assembly and of expression to be respected. In 2021, the Iranian authorities responded to further protests over water and energy shortages with heavy force, reportedly killing at least eight people and applying localised internet shutdowns.
8. The rights of women and girls remain constrained. In 2019, a female fan tragically killed herself after being arrested for watching men's football matches, and at least three high-profile honour killings occurred against women and girls in 2020. Women human rights defenders and activists were given severe jail terms. In 2020, Saba Kordafshari's sentence was increased to 24 years in prison, for her role in the anti-

³² <https://undocs.org/en/A/hrc/46/50> United Nations Office of the High Commission for Human Rights

hijab campaign, while Nasrin Sotoudeh was ordered to return to Qarchak prison, despite concerns about her deteriorating health.

9. Religious and ethnic minorities continue to face restrictions and discrimination for peacefully manifesting their beliefs. In 2019, more than 30 Baha'i followers were reportedly arrested, often on vague charges, while a Christian pastor and eight converts were sentenced to 5 years in prison. In 2020, Baha'is were denied access to mainstream education and national identification cards, while the number of mass arrests and home raids increased. In January 2021, disproportionate numbers of ethnic minority activists were arrested, and the Parliament approved amendments to the penal code that pose significant risks to the freedom of religion or belief. The Baha'i community faced particular hardship and had their land expropriated by a court ruling in Ivel.
10. On freedom of assembly, opinion and expression, TV and radio in Iran are government controlled and restrictions are in place on the use of the internet. Several major social media websites, including Facebook, Twitter, and YouTube, remain banned. At least 15 journalists, bloggers, or social media activists were arrested during 2019, increasing to 19 in 2020, leading Iran to be the seventh most prolific detainer of journalists in the world.³³ Foreign-based media outlets continued to receive threats to their staff, particularly women, and to their relatives in Iran, and one newspaper was shut down after critically reporting on Iran's response to COVID-19. In 2021, new laws threaten citizen journalists with charges that carry the death penalty if they send videos or images to "hostile states", and foreign websites face greater censorship and limits on access.
11. Iran is consistently ranked as one of the most prolific users of the death penalty globally. Credible estimates suggested there were on average approximately 235 executions annually since 2019, including at least two known executions of juvenile offenders who were aged under 18 at the time of their deaths. Such actions violated Iran's obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, both of which Iran has ratified. In 2021, at least 57 people had been executed for drug-related crimes by August, which is worryingly more than 2019 and 2020's figures put together.

Why imposition of sanctions is a reasonable course of action for these purposes

³³ <https://cpj.org/data/imprisoned/2020/>

12. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purpose of encouraging the Government of Iran to comply with international human rights law and to respect human rights.
13. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's goal of improving the human rights situation in Iran.
14. The gravity of the human rights situation in Iran means that keeping sanctions in place is a reasonable measure to take. The UK believes that sanctions, combined with private and public pressure from the international community, have had some positive impact upon the human rights situation in Iran. For example, prior to the ratification of a new anti-narcotics law in October 2017, which stopped capital punishment for the majority of drugs offences, executions for these offences were in the hundreds each year. However, this law's retrospective application meant that those already sentenced to death can seek review of their sentence. As a result, there has been a significant and sustained decrease in the number of executions relating to drug offences since 2018. The UK believes that continued international pressure on the issues, underpinned by sanctions, played an important role in persuading the Iranian authorities to make this change.

Humanitarian impact

15. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable anything to be done in connection with the performance of any humanitarian assistance activity. This includes the work of international and non-governmental organisations carrying out relief activities in Iran for the benefit of the civilian population there.

Conclusion

16. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

17. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

18. The policy intention is to keep the sanctions in place until the UK Government is assured that the human rights situation in Iran has improved, or has demonstrated steady and consistent improvement over a sustained period of time. This position may be reached by evidence of some concrete steps having been taken that shows an improvement in the areas of concern outlined in the purposes of these Regulations, or via the UN Special Rapporteur for Human Rights in Iran reporting that he no longer believes his mandate is necessary. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

09/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, The UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seek to encourage Iran to abandon any nuclear weapons programmes, to restrict Iran’s ability to develop nuclear weapons and nuclear weapons delivery systems, and to promote implementation of the Joint Comprehensive Plan of Action (“the JCPoA”). The nuclear situation has continued to deteriorate during this review period as Iran has continued its systematic non-compliance with its nuclear commitments under the JCPoA.
- The 2019 Regulations also implement obligations of the UK under UN Security Council Resolution 2231 of 2015 (“UNSCR 2231”).
- The Minister has therefore decided to maintain the regime as it stands.

The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019

1. The Iran (Sanctions) (Nuclear) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 5 March 2019, laid before Parliament on 7 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - a. Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b. Whether there are good reasons to pursue that purpose, and
 - c. Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:
 - 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 obligations³⁴, and*
 - (b) *the additional purposes mentioned in paragraph (2).*
- (2) *Those additional purposes are—*
- (a) *promoting the abandonment by Iran of nuclear weapons programmes,*
 - (b) *restricting the ability of Iran to develop nuclear weapons and nuclear weapons delivery systems, and*
 - (c) *promoting implementation of the Joint Comprehensive Plan of Action, otherwise than by compliance with the relevant UN obligations.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following tables:

UN designations

Total number of designations as of 22/10/2021	84
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UK designations

Total number of designations as of 22/10/2021	136
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Review of the 2019 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2019 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out the discretionary purposes of the 2019 Regulations meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, these purposes fall within paragraphs (c) and (h), in that they are in the interests of

³⁴ As defined in the 2019 Regulations.

international peace and security and contribute to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction. These Regulations are intended to constrain Iran's nuclear programme and activities outside of the permitted terms of the JCPoA, which otherwise threaten UK foreign policy interests and international peace and security.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes. Iran has previously pursued a covert nuclear weapons programme as reported by the International Atomic Energy Agency ("the IAEA") in their November 2011 report on implementation of the Treaty on Non-Proliferation of Nuclear Weapons and related provisions by Iran.
8. There remain good reasons to promote implementation of the JCPoA. It is the best, and currently the only framework for monitoring and constraining Iran's nuclear programme. A restored JCPoA would be an important contribution to the international non-proliferation system and would help build confidence in the exclusively peaceful nature of Iran's nuclear programme. A restored deal could also pave the way for further discussions on regional and security concerns, including in support of the non-proliferation regime.
9. However, Iran is currently in systematic non-compliance with its JCPoA nuclear commitments. The UK has repeatedly made clear, both publicly and privately, that Iran must fully comply with its JCPoA commitments, and co-operate with the IAEA, including on all issues related to the IAEA's separate safeguards investigations, which is a legally binding obligation and essential in helping assure the international community of the exclusively peaceful and civilian nature of Iran's nuclear programme.

Why imposition of sanctions is a reasonable course of action for these purposes

10. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of maintaining pressure on the Government of Iran to comply with its international obligations and commitments under the JCPoA, to abandon any nuclear weapons programmes, and to restrict Iran's ability to develop nuclear weapons and delivery systems capable of carrying nuclear weapons. It is reasonable for these prohibitions and requirements to be kept in place, since it is important to maintain this pressure and restriction.

11. Since 2019, Iran has progressively escalated its systematic non-compliance with its JCPoA commitments. As a result of Iran's decision on 23 February 2021 to restrict the access of the International Atomic Energy Agency (IAEA), the IAEA is unable to provide full information on aspects of the Iranian nuclear programme. Iran has also increased its stockpile of enriched uranium, which now includes highly enriched uranium at 60%. Iran is also operating hundreds of advanced centrifuges prohibited by the JCPoA, increasing enrichment capacity and making irreversible knowledge gains. There is no civilian justification for Iran's nuclear escalation, which is permanently improving Iran's nuclear capabilities. It is also irreversibly diminishing the non-proliferation value of the JCPoA.
12. The UK has been engaged in diplomatic efforts with other JCPoA participants and the US aimed at bringing Iran back into full compliance with its commitments and restoring the benefits of the deal for all. Talks began in Vienna in April 2021, and the UK has negotiated in good faith for six rounds of negotiations. Iran paused these talks on 20 June 2021. We have been clear that we stand ready to return to Vienna in order for there to be a swift conclusion to the deal. If the UK is unable to secure a deal the UK will need to consider its approach, including the option of re-imposing sanctions – as provided for under the JCPoA. The UK will continue to coordinate with international partners, including on the future of the regime.

Humanitarian impact

13. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes a licensing ground in relation to the asset freeze measures on non-UN designated persons to enable anything to be done in connection with the performance of any humanitarian assistance activity. This includes the work of international and non-governmental organisations carrying out relief activities in Iran for the benefit of the civilian population there. In relation to the autonomous trade measures on services to ships and aircraft, guidance states that a licence can be issued for the provision of certain services if the provision of those services is necessary for humanitarian and safety purposes.

Conclusion

14. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain in this regard appropriate for the purpose of implementing those obligations.

15. The Minister considers that carrying out the discretionary purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
16. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
17. The policy intention is that sanctions remain in place until their purposes are met. The JCPoA provides for a phased approach to lifting sanctions but also for sanctions to be re-imposed in some circumstances.

12/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Iraq (Sanctions) (EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The UN regime sought to encourage the former Iraqi government under Saddam Hussein to comply with relevant UN obligations and to comply with its disarmament obligations. The situation that the sanctions regime was seeking to address has improved, and some persons have been delisted, at the request of the current Government of Iraq.
- The Iraq (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) implement the UK’s obligations under UN Security Council Resolutions 1483 (2003) and 661 (1990) as those measures have been revised and updated by subsequent resolutions namely to impose an asset freeze on designated persons/entities as well as an arms embargo.
- The 2020 Regulations remain appropriate for the purpose of implementing the obligations under UNSCR 1483 and UNSCR 661.
- The Minister has therefore decided to take no action in respect of the 2020 Regulations.

The Iraq (Sanctions) (EU Exit) Regulations 2020

1. The Iraq (Sanctions) (EU Exit) Regulations 2020 (“The 2020 Regulations”) were made on 7th July 2020, laid before Parliament on 9th July 2020, and came into force on 31st December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3).

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the 2020 Regulations, are as follows:
 - “(1) The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the relevant UN obligations.*
 - (2) In this regulation, “the relevant UN obligations” means—*
 - (a) the obligation that the United Kingdom has by virtue of paragraph 23(a) of resolution 1483 (partial asset-freeze)(5) to take the measures required by that provision*

in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;

(b) the obligation that the United Kingdom has by virtue of paragraph 23(b) of resolution 1483 (asset-freeze) to take the measures required by that provision in respect of persons for the time being named for the purposes of that provision by the Security Council or the Committee;

(c) the obligations that the United Kingdom has by virtue of paragraph 23(b) of resolution 1483 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 23(b) of resolution 1483;

(d) the obligations that the United Kingdom has by virtue of paragraph 3 of resolution 661 (arms embargo);

(e) the obligations that the United Kingdom has by virtue of paragraph 7 of resolution 1483 (Iraqi cultural property)."

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table:

Total number of designations as of 10/08/2021	125
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Review of the 2020 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2020 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain appropriate for their purposes.

Humanitarian impact

6. Sanctions measures under the regulations are carefully targeted to ensure that any potential unintended consequences of sanctions are minimised, including any humanitarian impact.

Conclusion

7. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.

12/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The threat global terrorism poses to international peace and security, that the UN sanctions regime is seeking to address, has remained the same.
- The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) implement the obligations in UN Security Council Resolution 2368 of 2017 (“UNSCR 2368”).
- The 2019 Regulations remain appropriate for their purpose of implementing the obligations in UNSCR 2368 (2017).
- The Minister has therefore decided to maintain the regime as it stands.

The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019

1. The ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 5 March 2019, laid before Parliament on 6 March 2019, and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3).

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:
 - 4.—(1) *The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the relevant UN obligations.*
 - (2) *In this regulation, “the relevant UN obligations” means the obligations that the United Kingdom has by virtue of—*
 - (a) *paragraph 1(a) of resolution 2368 (asset-freeze etc) and*
 - (b) *paragraph 1(c) of resolution 2368 (arms embargo etc) to take the measures required by those provisions in respect of persons for the time being named on the ISIL (Da'esh) and Al-Qaida Sanctions List; and*
 - (c) *paragraph 76 of resolution 2368 (unfreezing of assets: Usama bin Laden).*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as of 29 July 2021	350
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Review of the 2019 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2019 Regulations came into force, and the UN obligations implemented by the Regulations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain appropriate for their purposes.

Humanitarian impact

6. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. When considering counter-terrorism sanctions measures and the potential impact on humanitarian activities, the UK government acknowledges the concerns of charities operating in areas subject to counter-terrorism financing measures and sanctions, including the problems of bank de-risking and other potential impacts of over-compliance which may inadvertently increase the terrorist financing or money laundering risk. The UK Government seeks to ensure that counter-terrorism sanctions measures are carefully targeted to ensure the maximum impact on sanctions targets while ensuring that those measures do not themselves hinder the delivery of humanitarian assistance.

Conclusion

7. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.

09/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Lebanon (Sanctions) (EU Exit) Sanctions Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The situation in Lebanon the UN sanctions regime is seeking to address has remained the same, which is the need to ensure that the territory of Lebanon is not utilized for hostile activities of any kind.
- The Lebanon (Sanctions) (EU Exit) Regulations (“the 2020 Regulations”) implement the obligations set out under paragraph 15 of UN Security Council Resolution 1701 (2006), which prohibits the sale or supply of arms and related materiel, and the provision of any technical training and assistance related to the provision of arms and related materiel, to Lebanon except as authorised by the Government of Lebanon or the United Nations Interim Force in Lebanon (UNIFIL).
- The 2020 Regulations remain appropriate for their purpose of implementing UNSCR 1701 (2006).
- The Minister has therefore decided to take no action in respect of the 2020 Regulations.

The Lebanon (Sanctions) (EU Exit) Sanctions Regulations 2020

1. The Lebanon (Sanctions) (EU Exit) Regulations 2020 (“2020 Regulations”) were made on 18th June 2020, laid before Parliament on 22nd June 2020, and came into force on 31st December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3).

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations as set out in regulation 4 of the Regulations, are as follows:

The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the obligations that the United Kingdom has by virtue of paragraph 15 of UN Security Council Resolution 1701 adopted by the Security Council on 11 August 2006.

3. The Regulations prohibit the sale or supply of arms and related materiel, and the provision of any technical training and assistance related to the provision of arms and related materiel, to Lebanon except as authorised by the Government of Lebanon or the United Nations Interim Force in Lebanon (UNIFIL), as required by UNSCR 1701.

Review of the 2020 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2020 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain appropriate for their purposes.

Humanitarian impact

6. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

7. The UN obligations implemented by the 2020 Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations under UNSCR 1701 (2006).

17 September 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Lebanon (United Nations Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The situation in Lebanon the UN sanctions regime is seeking to address has remained the same.
- The Lebanon (United Nations Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (“the 2020 Regulations”) implement the obligations in UN Security Council Resolution 1636 (2005), namely, the imposition of financial sanctions measures on persons identified by the Committee established under UN Security Council Resolution 1636 (2005), or by the Government of Lebanon.
- The 2020 Regulations remain appropriate for the purpose of implementing the obligations under UNSCR 1636.
- The Minister has therefore decided to take no action in respect of the 2020 Regulations.

The Lebanon (United Nations Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020

1. The Lebanon (United Nations Sanctions) (Assassination of Rafiq Hariri and others) (EU Exit) Regulations 2020 (“2020 Regulations”) were made on 18th June 2020, laid before Parliament on 22nd June 2020, and came into force on 31st December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3).

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations as set out in regulation 4 of the 2020 Regulations, are as follows:
 - (1) *The purpose of the regulations contained in this instrument that are made under section 1 of the Act is compliance with the relevant UN obligations.*
 - (2) *In this regulation, “the relevant UN obligations” means—*
 - (a) *the obligations that the United Kingdom has by virtue of paragraph 3(a) of UN Security Council Resolution 1636 (asset-freeze etc.) to take the financial sanctions measures*

required by that provision in respect of individual persons for the time being named for the purposes of that provision by the Committee³⁵(1);

(b) the obligations that the United Kingdom has by virtue of paragraph 3(a) of resolution 1636 (asset-freeze etc.) in respect of persons(2)—

(i) acting on behalf of or at the direction of, or

(ii) owned or controlled by the individual persons for the time being named by the Committee for the purposes of paragraph 3(a) of resolution 1636.

Designations

3. There are currently no persons named by the Committee for the purposes of paragraph 3(a) of UNSCR 1636, and therefore no designations under the 2020 Regulations.

Review of the 2020 Regulations

4. No UN Security Council Resolutions relating to the sanctions regime have been adopted since the 2020 Regulations were made and the UN obligations implemented by the Regulations are unchanged.
5. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain appropriate for their purposes.

Humanitarian impact

6. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

7. The UN obligations implemented by the Regulations are unchanged and the Minister considers the 2020 Regulations remain appropriate for the purpose of implementing those obligations under UNSCR 1636 of 2005.

17 September 2021

Lord Ahmad of Wimbledon

Minister of State for South Asia, the UN and the Commonwealth, Foreign, Commonwealth and Development Office, on behalf of the Secretary of State for Foreign, Commonwealth and Development Affairs

³⁵ (1) Paragraph 3(a) of resolution 1636 provides that the Committee established by paragraph 3(b) of that resolution must agree the designation of individuals either by the international independent investigation Commission, which was established by paragraph 1 of UN Security Council Resolution 1595 (2005) adopted by the Security Council on 7 April 2005, or by the Government of Lebanon, in order for them to be subject to the sanctions measures contained in the resolution.

The Libya (Sanctions) (EU Exit) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The sanctions regime established by the Libya (Sanctions) (EU Exit) Regulations (2020) (“the 2020 Regulations”) seeks to promote respect for human rights in Libya, promote the peace, stability and security of Libya, promote the successful completion of Libya’s transition to a democratic, independent and united country, and prevent migrant smuggling and human trafficking taking place from Libya.
- The 2020 Regulations implement the obligations in UN Security Council Resolution 1970 of 26 February 2011 (“UNSCR 1970”) and subsequent resolutions including UNSCR 1973 and UNSCR 2146. This includes financial sanctions on those persons or entities designated by the UN Libya Sanctions Committee, for the purposes outlined in UNSCR 1970, as well as an arms embargo on Libya restricting trade in military goods and military technology, the provision of technical assistance, financial services and funds, and brokering services related to military goods and military technology, and on enabling or facilitating the conduct of armed hostilities in Libya and measures related to the illicit export of Libyan oil. Additionally, restrictions on aircraft used to transport prohibited goods to Libya (UNSCR 1973) and measures in relation to ships designated by the UN Libya Sanctions Committee (UNSCR 2146).
- The policy intention is that sanctions remain in place until there is respect for human rights in Libya, peace, stability and security in Libya and the transition of Libya to a democratic, independent and united country has been completed.
- The Minister has therefore decided that the 2020 Regulations remain appropriate for the purposes and to maintain the regime as it stands.

The Libya (Sanctions) (EU Exit) Regulations 2020

1. The Libya (Sanctions) (EU Exit) Regulations (2020) (“the 2020 Regulations”) were made on 29 December 2020, laid before Parliament on 4 January 2021 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under

section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of

–

- a) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
- b) Whether there are good reasons to pursue that purpose, and
- c) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:

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 obligations³⁶, and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are –

- (a) promoting respect for human rights in Libya,*
- (b) promoting the peace, stability and security of Libya,*
- (c) promoting the successful completion of Libya’s transition to a democratic, independent and united country, and*
- (d) preventing migrant smuggling and human trafficking taking place from Libya, otherwise than by compliance with the relevant UN obligations.*

Designations

3. The status of designations under the 2020 Regulations is as set out in the following tables:

UN designations

Total number of designations as of 2 August 2021	30
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³⁶ As defined in the 2020 Regulations.

UK designations

Total number of designations as of 2 August 2021	40
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Review of the 2020 Regulations

4. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2570 on 16 April 2021 which recalls the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged.
5. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. Namely, it is in the interests of international peace and security (1(2)(c)), furthers a foreign policy objective of the government of the United Kingdom (1(2)(d)), provides accountability for or is a deterrent to gross violations of human rights or otherwise promotes compliance with international human rights law, or respect for human rights (1(2)(f)(i)(ii)), promotes compliance with international humanitarian law (1(2)(g)) and promotes respect for democracy, the rule of law and good governance (1(2)(i)).
7. Since the previous annual review, the political situation has progressed in Libya, with the agreement of a ceasefire on 23 October 2020 and the agreement of the Libyan Political Dialogue Forum (LPDF) roadmap, reinforced by UNSCR 2570, setting out a political process of transition towards a democratically elected government, with elections due on 24 December 2021 but for which the legal and constitutional basis has not yet been fully agreed by Libyan parties. The political transition is therefore not yet complete and the purposes of the regulations continue to support the conditions in the section 1(2)(c), (d) and (i) of the Act supporting behaviour change and demonstrating that those who would seek to undermine Libya's political transition will be held accountable. Despite the ceasefire, the human rights situation in Libya, including in relation to the treatment, smuggling and human trafficking of migrants, continues to be of concern, as set out in

the UN Independent Fact Finding mission interim report³⁷. The purposes of the regulations continue therefore to support conditions in the section 1(2)(f)(i)(ii) and (g) of the Act.

Whether there are good reasons for pursuing these purposes

8. There are good reasons for pursuing these purposes, including to address the ongoing political instability in Libya and continuing human rights violations and abuses; the repressive policies and activities implemented by former-Qadhafi era officials (and others) seeking to destabilise or create a political vacuum in Libya; and to prevent the ongoing migrant smuggling and human trafficking operations taking place from Libya.

9. These areas of serious concern have been outlined in the 8 March 2021 report, by the UN Panel of Experts on Libya, which was established pursuant to UNSCR 1973 (2011), together with concerns about the presence of armed groups in Libya and violations of the arms embargo:
 - i. *Armed groups pose a direct threat to the political transition in Libya. They use violence to exert control over state institutions. The Panel report that armed groups encroach upon state institutions, using recordings as blackmail to obtain coveted government positions which, in turn, give them access to power and money. They are also responsible for serious human rights abuses. These include unlawful detentions that are politically, economically or religiously motivated, torture, and indiscriminate shelling of residential districts. These acts are deepening grievances among the Libyan population and threatening long-term peace and stability in Libya;*
 - ii. *trafficking in persons and smuggling of migrants is benefitting armed groups. It also fuels instability and undermines the formal economy. The Panel remain concerned about the systematic violation of migrants' human rights due to weak law enforcement and large security vacuums; and*
 - iii. *the arms embargo continues to be totally ineffective with violations continuing to be "extensive, blatant and with complete disregard for the sanctions measures". The Panel note the serious impact these violations have had on Libya's conflict dynamics, including civilian casualties.*

³⁷ <https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Libya/A-HRC-48-83-AUV-EN.docx> 1 October 2021

Why imposition of sanctions is a reasonable course of action for these purposes

10. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purposes of promoting respect for human rights in Libya, promoting the peace, stability and security of Libya, promoting the successful completing of Libya's transition to a democratic, independent and united country, and preventing migrant smuggling and human trafficking taking place from Libya. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
11. The gravity of the situation in Libya means that keeping sanctions in place is a reasonable measure to take. There has been a lack of progress towards a political settlement ahead of national Parliamentary and Presidential elections in December, a continued failure to fully implement the October 2020 Ceasefire Agreement, including the full withdrawal of foreign forces and mercenaries, and further violations of the arms embargo. All of which threaten Libya's peace, stability and security, and the successful completion of Libya's transition to a democratic, independent and united country. The weak law enforcement regime and security vacuum also continues to enable systematic human rights abuse in prisons and detention centres, and the trafficking of persons is prevalent, with substantial benefit to the armed groups. Libyan State and financial institutions are still at risk of being targeted by armed groups as a means of strengthening their position in Libya and the pursuit of profit.
12. Therefore, sanctions will continue to support the political process in Libya, including preparations for free, fair and inclusive national Presidential and Parliamentary elections on 24 December 2021 as set out in the Libyan Political Dialogue Forum roadmap, as well as the full implementation of the 23 October 2020 ceasefire agreement. Sanctions will also allow us to promote respect for human rights in Libya. For example, the UK continues to be deeply shocked by the continuing discovery of mass graves in Tarhouna and Southern Tripoli reportedly linked to abductions and killings allegedly committed by the al-Kaniyat militia and its leaders. The UK designated the al-Kaniyat militia and its leaders, Mohamed al-Kani and Abdurahem al-Kani, on 13 May.
13. Sanctions disrupt the free movement and financial flows of those who threaten human rights in Libya, Libya's peace, stability and security, the successful completion of Libya's transition to a democratic, independent and united country, and who carry out migrant

smuggling and human trafficking taking place from Libya. The sanctions imposed under these Regulations aim to limit the ability of individuals, armed groups, and entities to undermine the UN-facilitated political process. In doing so, they support the UK's foreign policy objectives in Libya.

Humanitarian impact

14. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The 2020 Regulations include licensing grounds in respect of certain financial sanctions (in respect of non-UN designated persons and the partial UN asset-freeze) to enable anything to be done in connection with the performance of any humanitarian assistance activity. There is also a trade licensing ground for the export, making available, transfer, supply or delivery of non-lethal military goods or technology if intended solely for humanitarian or for protective use, and for the provision of technical assistance, financial services or funds relating to non-lethal military goods or technology intended solely for humanitarian or for protective use.

Conclusion

15. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.
16. The Minister considers that carrying out the non-UN purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
17. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
18. The policy intention is that sanctions remain in place until the UK is assured that there has been demonstrable and sustained change of behaviour from those who have been involved in human rights violations and that Libya's political transition has successfully been completed.
19. This could be demonstrated by evidence of concrete steps that show an improvement in the areas of concern outlined in the purposes of these Regulations, including the UN

Panel of Experts on Libya reporting that they no longer believe the situation in Libya constitutes a threat to international peace and security or when the UN Security Council decides that frozen funds can be made available to and for the benefit of the people of Libya. The UK Government will continue to coordinate with international partners, including on the future of the sanctions regime.

12/11/21

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Mali (Sanctions) (EU Exit) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The sanctions regime established by The Mali (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to promote the peace, stability and security of Mali; promote the implementation of the Agreement on Peace and Reconciliation in Mali; promote respect for local, regional and state institutions in Mali, the Malian defence and security forces, and the governance or implementation mechanisms referred to in, or established in accordance with, the Agreement on Peace and Reconciliation in Mali; promote the effective delivery of the mandates of the international security, peace-support and capacity-building missions in Mali; promote respect for humanitarian assistance activity in Mali; promote compliance with the rules of international humanitarian law applicable to the armed conflicts in Mali; and promote respect for human rights in Mali.
- The situation in Mali that the sanctions regime is seeking to address is of increasing concern. The security situation continues to deteriorate – intercommunal conflict is increasing in the central regions and violent extremist organisations are spreading southwards. There has been a rise in human rights abuses and violations over the past year. Despite some arrests on corruption charges, widespread impunity remains. The political environment remains fragile.
- The 2020 Regulations implement the obligations in UN Security Council Resolution 2374 of 5 September 2017 (“UNSCR 2374”), namely the imposition of asset freezes on designated persons.
- The policy intention is that sanctions remain in place until the UK government is assured that the situation in Mali which the sanctions regime is seeking to address has sufficiently improved, including progress on implementation of the 2015 Agreement.
- The Minister has therefore decided to maintain the regime as it stands.

The Mali (Sanctions) (EU Exit) Regulations 2020

1. The Mali (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 7 July 2020, laid before Parliament on 9 July 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the

purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –

- d) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
- e) Whether there are good reasons to pursue that purpose, and
- f) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:

- a) *compliance with the relevant UN obligations³⁸, 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);*
 - ii. *the Panel of Experts established in accordance with paragraph 11 of resolution 2374;*
 - iii. *the G5 Sahel Joint Force;*
 - iv. *the European Union Training Mission Mali (EUTM Mali);*
 - v. *the European Union CSDP mission in Mali (EUCAP Sahel Mali);*
 - vi. *French forces,*

³⁸ As defined in the 2020 Regulations.

- 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.

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table. There are no UK designations under the 2020 Regulations:

UN designations

Total number of designations as of the date of this review	8
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Review of the 2020 Regulations

4. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2541 on 31 August 2020 and UNSCR 2590 of 30 August 2021, which renews the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged.

5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within the purpose of the following paragraphs:
 - (c) is in the interests of international peace and security
 - (d) furthers a foreign policy objective of the government of the United Kingdom
 - (e) promotes the resolution of armed conflicts or the protection of civilians in conflict zones
 - (f) provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law, or respect for human rights
 - (g) promotes compliance with international humanitarian law
 - (i) promotes respect for democracy, the rule of law and good governance

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes. A robust posture on sanctions is consistent with the UK's wider policy on Mali and forms a key tool in improving the speed, efficiency and delivery of measures set out in the 2015 Agreement by maintaining pressure on relevant parties. Measures include decentralisation, representation of populations of the North within national institutions, justice, reconstitution and redeployment of the national army, and development. An effective use of the sanctions regime not only identifies, and curtails the activities of those who impeding peace process implementation, but also acts as a deterrent for a range of actors with the means and motive to undermine peace, stability and security in Mali³⁹. The UK also continues to push for the rigorous enforcement of existing sanctions to ensure that those who have been found culpable do not operate with impunity and are encouraged to act in the spirit of the 2015 Agreement. Sanctions also support efforts to hold perpetrators to account for human rights abuses against vulnerable groups including killings, torture and other cruel, inhuman or degrading treatment, sexual violence, and the recruitment and

³⁹ <https://news.un.org/en/story/2021/08/1097272>

use of children in armed conflict⁴⁰, as well as supporting efforts by the international community to promote respect for human rights within Mali, which is a key UK policy objective.⁴¹

8. On 24 May 2021, President N'Daw and Prime Minister Ouane of Mali were forcibly detained and made to resign. Vice President Colonel Assimi Goita was behind the arrests and assumed control as President. The UK Government publicly condemned these events and supported the position of the Economic Community of West African States ("ECOWAS") that Goita must respect the democratic process outlined in the transition charter formed after the previous coup in August 2020. The new transition authorities, established following this second coup d'état, are unlikely to hold elections within the agreed timeframe and have been in discussions with the organisation known as the Wagner Group for security assistance. Some limited progress has been made on the 2015 Agreement on Peace and Reconciliation in Mali ("the 2015 Agreement"), signed with the aim of restoring peace in Mali through dialogue, justice, decentralisation, reconstituting a national army made up of members of the former signatory armed groups, and development in the north. However, the Malian transition government had not achieved some of the more politically sensitive reforms required, and there are increasing tensions between the transition government and the signatory armed groups.

Why imposition of sanctions is a reasonable course of action for these purposes

8. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for the purpose of supporting the implementation of the 2015 Agreement.
9. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK Government believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.

⁴⁰<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27232&LangID=E#:~:text=The%20Human%20Rights%20and%20Protection,from%20January%20to%20June%202021.>

⁴¹ https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2021_519.pdf

10. The efforts by the international community to encourage the implementation of the 2015 Agreement mean that keeping sanctions in place is a reasonable measure to take. The full, effective, and inclusive implementation of the 2015 Agreement is integral to the return of peace and security to Mali. Sanctions provide the UK with the necessary tools to be able to target the individuals and entities that obstruct its implementation.
11. These sanctions are not an end in themselves. However, they are one element of a broader strategy to achieve the UK's foreign policy goals in Mali, which spans diplomacy, development, and defence interventions to promote long-term peace and address the drivers of conflict.
12. The policy intention is to keep the sanctions relating to Malian individuals and entities under review, and any decision taken with regard to the lifting of the regime by the UK Government will be based on the Government's analysis of the situation in Mali, including progress on implementation of the 2015 Agreement. This position may be reached by evidence of some concrete steps having been taken that shows an improvement in the areas of concern outlined in the purposes of these Regulations (set out above). The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

13. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes a licensing ground in relation to the asset freeze measures on non-UN designated persons to enable anything to be done in connection with the performance of any humanitarian assistance activity.

Conclusion

14. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.
15. The Minister considers that carrying out the non-UN purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

16. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

17. The policy intention is that sanctions remain in place until the UK government is assured that the situation in Mali which the sanctions regime seeks to address has sufficiently improved. This will require evidence of an improvement in the areas of concern outlined in the purposes of the 2020 Regulations and progress on implementation of the 2015 Agreement.

12/11/21

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN, and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Myanmar (Sanctions) Regulations 2021

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Myanmar sanctions regime established by The Myanmar (Sanctions) Regulations 2021 (“the 2021 Regulations”) seeks to address the changing context in Myanmar following the 2021 military coup, including the overthrow of the democratically elected government and the uptick in violence against innocent protestors.
- The policy intention is that sanctions remain in place until the military demonstrate a concerted and good faith effort to relinquish power and reinstall a democratic system of governance.
- The situation in Myanmar has deteriorated, with increased violence and torture being used against civilians, including children.
- The 2021 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to take no action in respect of the 2021 Regulations.

The Myanmar (Sanctions) Regulations 2021

1. The Myanmar (Sanctions) Regulations 2021 (“the 2021 Regulations”) were made on 26th April 2021, laid before Parliament on 29th April 2021 and came into force on 29th April 2021. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - g) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - h) whether there are good reasons to pursue that purpose, and
 - i) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2021 Regulations

2. The purposes of the 2021 Regulations, as set out in regulation 4 of the 2021 Regulations, are as follows:

- a) *“ promote the peace, stability and security of Myanmar;*
- b) *promote respect for democracy, the rule of law and good governance in Myanmar, including in particular promoting the successful completion of Myanmar’s transition to a democratic country;*
- c) *discourage actions, policies or activities which repress the civilian population in Myanmar;*
- d) *promote compliance with international human rights law and respect for human rights in Myanmar, including in particular, respect for—*
 - (i) the right to life of persons in Myanmar;*
 - (ii) the right of persons in Myanmar not to be held in slavery or required to perform forced or compulsory labour;*
 - (iii) the right of persons in Myanmar, including in particular the Rohingya, not to be subjected to forced deportation or forcible transfer from Myanmar;*
 - (iv) the right of persons not to be subject to torture or cruel, inhuman or degrading treatment or punishment in Myanmar, including in the context of—*
 - (aa) violence against persons on the basis of their political opinion, religious belief or ethnicity,*
 - (bb) rape and other forms of sexual and gender-based violence,*
 - or*
 - (cc) recruitment or use of, or violence against, children;*
 - (v) the right to liberty and security of persons in Myanmar, including freedom from arbitrary arrest, detention or enforced disappearance;*
 - (vi) the right to a fair trial of persons charged with criminal offences in Myanmar;*
 - (vii) the rights of journalists, human rights defenders, civil society activists, religious leaders, politicians and all other persons in Myanmar to freedom of expression, peaceful assembly and association with others;*
 - (viii) the enjoyment of rights and freedoms in Myanmar 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.”*

Designations

3. The status of designations under the 2021 Regulations is as set out in the following table.

Total number of designations as of 21 July 2021	23
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Whether carrying out the purposes of the 2021 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular carrying out these purposes falls within the purpose of paragraphs (c), as it is in the interests of international peace and security; (d), as it furthers a foreign policy objective of the government of the United Kingdom; (e), as it promotes the resolution of armed conflicts or the protection of civilians in conflict zones; (f), as it provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law or respect for human rights; (g), as it promotes compliance with international humanitarian law; and (i), as it promotes respect for democracy, the rule of law and good governance.
5. On 1 February 2021 the Myanmar military staged a coup d'état seizing power and refusing to respect the overwhelming outcome of Myanmar's November 2020 general election, where the National League for Democracy (NLD) won 396 of the 498 available seats in parliament in a poll that domestic and international observers agreed to be credible and without major irregularities. On 26 July, the Union Election Commission, under the direction of the State Administration Council, officially annulled the result of the election, on unsubstantiated claims of fraud and irregularities.
6. Since the coup, the military have carried out a brutal crackdown on the civilian population and peaceful protests. These actions reverse Myanmar's positive trajectory towards a democratic and peaceful state, enhancing the risks to peace and security in the region. Wilfully disregarding, and overruling, the outcomes of Myanmar's election, along with the arbitrary detention and arrest of thousands of innocent civilians, is a serious breach of democratic and good governance principles and further undermines Myanmar's development of a fair and effective judicial system and the wider rule of law. The military-led junta, comprising both members of the Myanmar Security Forces

and civilians, continue to violate Myanmar's international human rights obligations and the UK continues to lead international efforts to encourage the Myanmar Security Forces to halt violence against protestors and to improve human rights conditions across Myanmar. The military's approach towards ethnic states and failure to engage meaningfully in the peace process has perpetuated the ongoing conflicts around the periphery of the country and the regime's seizure of all the apparatus of power will make it harder to resolve those conflicts as the positions of ethnic armed organisations consolidate in opposition to the military-led junta.

7. We will achieve these purposes by putting pressure on those responsible for such acts, including senior members of the Myanmar Security Forces, and the State Administration Council, the governing body of the ruling military-led junta, to change their behaviour. The sanctions regime is part of a broader international effort to pressure the military-led junta to take steps to protect the rights of their people and to ensure that security, the rule of law and accountability prevail across Myanmar.
8. In addition to responding to the widespread repression of the civilian population since the coup, the sanctions regime can be used to apply pressure on the Myanmar Security Forces to address human rights violations in ethnic states (notably Rakhine, Kachin, Shan and Kayin, where the military is responsible for serious human rights violations). The challenges of achieving peaceful outcomes in these states, along with the ability to adequately distribute humanitarian aid in those areas of most need and often beyond centralised control, have been significantly worsened by the regime's actions.

Whether there are good reasons for pursuing these purposes

9. There are good reasons for pursuing these purposes, namely to address the deterioration of democracy, the rule of law and human rights in Myanmar since the coup on 1 February 2021, and to address the ongoing human rights violations and abuses taking place in Myanmar.
10. Since the coup more than 900 people have been killed during protests, including children.⁴² There are multiple credible reports of the military torturing protestors, in

⁴² <https://aappb.org/?p=14454>, accessed 20/4/21

some cases to death.⁴³ The Myanmar military has also engaged in night raids of residential areas, where live ammunition is fired indiscriminately into neighbourhoods, in order to intimidate popular opposition to the coup. During one of these raids a seven year old girl was shot dead.⁴⁴ Media freedoms have been severely restricted, with publishing licenses banned for most independent outlets. Conflict has increased in ethnic areas, with the military conducting airstrikes in Kachin and Karen States, hitting civilian targets including schools and hospitals. Around 250,000 people have been displaced since 1 February as a result of conflict. Despite a serious COVID and humanitarian crisis, the Myanmar Security Forces continue to target medical professionals and civil society and restrict access to lifesaving assistance. The situation in the ethnic states remains of serious concern to both the UK and the international community.

11. These most recent human rights violations carried out since the seizure of power by the military follow a well-documented pattern of the Myanmar Security Forces perpetrating serious human rights violations prior to the coup. Reports by Amnesty International,⁴⁵ Human Rights Watch⁴⁶ and the UN Independent International Fact Finding Mission⁴⁷ have detailed military atrocities taking place during the Rohingya crisis of 2017 and beyond: systematic burning of Rohingya villages, massacre, torture, arbitrary detention and targeted sexual violence. They consistently document violations of human rights including: violations of the right to life; of the prohibition of torture and other ill-treatment; of the rights and freedoms of religious and ethnic minorities. The UN Independent International Fact Finding Mission established consistent patterns of serious human rights violations and abuses in Kachin, Rakhine and Shan States and attributes primary responsibility for violations to the Myanmar Security Forces, particularly the military. The Rohingya population has specifically been targeted and has been subjected to serious systematic human rights violations. Similar violations are experienced by ethnic minorities throughout Myanmar.

⁴³ For example - <https://www.independent.co.uk/asia/southeast-asia/myanmar-activist-death-torture-militarydetention-b1817803.html/>, accessed on 26/03/21

⁴⁴ <https://www.bbc.co.uk/news/world-asia-56501871>, accessed 26/03/21

⁴⁵ <https://www.amnesty.org/en/documents/asa16/7288/2017/en/>, Amnesty International 2017
<https://www.amnesty.org/en/documents/asa16/8630/2018/en/>, Amnesty International 2018

⁴⁶ <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>, Human Rights Watch 2017

⁴⁷ https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf, United Nations Office of the High Commission for Human Rights 2018

12. In refusing to accept, and subsequently overturning, the overwhelming result of the 2020 general election and the will of the majority of Myanmar's people, the military-led junta have fundamentally undermined the prospects for democratic consolidation in the country and the hopes of ordinary people for a peaceful and prosperous future. They have arbitrarily arrested or detained senior, democratically elected politicians and ordinary peacefully protesting civilians alike. They have sought to cover up reporting of their violations and the right of Myanmar's people to access information through internet shutdowns. They have closed down the flourishing civil society space and any journalistic freedom through threats and brutal reprisals. They have arbitrarily arrested civil servants for participating in - or even being seen to support - the Civil Disobedience Movement and beaten healthcare workers attempting to treat victims of the regime's unjustified violence. They continue to refuse access for humanitarian relief to reach some of Myanmar's already most impoverished and persecuted minorities. This humanitarian crisis extends beyond Myanmar's own border, with thousands fleeing the violence into India and Thailand, with little prospect of immediate return without a significant de-escalation in the military-led junta's policy and tactical approach, which this sanctions regime seeks to address.
13. The military and security forces have also failed to provide any accountability for these serious human rights violations or to tackle their organisational culture of impunity. For example, previous action against violations during and after the Rohingya crisis of 2017 and beyond were largely symbolic, with minimal investigation and rapid acquittal and/or pardoning of those involved in the massacres associated with the Tatmadaw's actions in Rakhine.

Why imposition of sanctions is a reasonable course of action for these purposes

14. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purposes of (a) promoting peace, stability and security of Myanmar; (b) promoting respect for democracy, the rule of law and good governance in Myanmar; (c) discouraging actions, policies or activities which repress the civilian population in Myanmar; and (d) promoting compliance with international human rights law and respect for human rights in Myanmar.
15. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. HMG believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.

16. The gravity of the political and human rights situation in Myanmar means that maintaining sanctions is a reasonable measure to take. They send a powerful signal of disapproval, as well as raising the cost for the military-led junta in committing future human rights violations and constraining their ability to commit human rights violations by limiting access to certain goods and services. For example, it is believed that the Tatmadaw is keen to avoid the scrutiny and the reputational damage that sanctions bring and they have in the past dismissed military officials from their positions following the announcement of EU sanctions.

17. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve HMG's foreign policy goals in Myanmar. The UK wants to see a sustainable, secure, and equitable resolution to the coup in Myanmar. This includes the cessation of violence against protestors, and the release of all those who have been detained arbitrarily, including State Counsellor Aung San Suu Kyi and President Win Myint. The UK has lobbied all sides for an immediate return to peace, law and order that respects the results of the November 2020 election and accepts the wishes of the people of Myanmar. Direct lobbying alone has not proved sufficient. The military-led junta continues to perpetrate serious human rights violations and to disregard the results of the November 2020 elections. HMG is therefore combining sanctions with bilateral lobbying, lobbying through international frameworks, supporting multilateral action (including through ASEAN) and supporting the UN Special Rapporteur and Special Representative of the Secretary General on the situation in Myanmar.

Humanitarian impact

18. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable anything to be done in connection with the performance of any humanitarian assistance activity.

Conclusion

19. The Minister considers that carrying out the purposes of the 2021 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

20. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
21. The policy intention is to keep the sanctions in place until HMG is assured that democracy has been restored and the human rights situation in Myanmar has improved, or has demonstrated steady and consistent improvement over a sustained period of time. The sanctions regime will remain until the military-led junta has demonstrably ended unjustifiable violence, restored democracy in line with international standards and respecting the wishes of Myanmar's people, and released those arbitrarily detained.
22. For the UK to assess that the situation has improved, there will need to be clear evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these 2021 Regulations. The UK Government will continue to coordinate with international partners, including on the future of the sanctions regime.

09/08/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Nicaragua (Sanctions) (EU Exit) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Nicaragua sanctions regime established by The Nicaragua (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to encourage the Government of Nicaragua to respect democratic principles and institutions, the separation of powers and the rule of law in Nicaragua; to refrain from actions, policies and activities which repress civil society in Nicaragua; and to comply with international human rights law and to respect human rights.
- The policy intention is that sanctions remain in place until these internationally recognised standards are upheld in Nicaragua.
- The situation in Nicaragua has deteriorated.
- The 2020 Regulations remain appropriate for their purposes.
- The Minister has therefore decided not to take any action in respect of the 2020 Regulations.

The Nicaragua (Sanctions) (EU Exit) Regulations 2020

1. The Nicaragua (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 18 June 2020, laid before Parliament on 22 June 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b) whether there are good reasons to pursue that purpose, and
 - c) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:

The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Government of Nicaragua to—

- a. respect democratic principles and institutions, the separation of powers and the rule of law in Nicaragua;*
- b. refrain from actions, policies and activities which repress civil society in Nicaragua;*
- c. comply with international human rights law and to respect human rights, including in particular to—*
 - i. respect the right to life of persons in Nicaragua;*
 - ii. respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Nicaragua, including inhuman and degrading conditions in prisons;*
 - iii. respect the right to liberty and security, including refraining from arbitrary arrest and detention of persons in Nicaragua;*
 - iv. afford persons in Nicaragua charged with criminal offences the right to a fair trial;*
 - v. afford journalists, human rights defenders and other persons in Nicaragua the right to freedom of expression, association and peaceful assembly;*
 - vi. secure the human rights of persons in Nicaragua 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.*

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table:

Total number of designations as of 16 th August 2021	6
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Whether carrying out the purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within sub-paragraphs (f) and (i), namely:

(f) provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote—

- (i) *compliance with international human rights law, or*
 - (ii) *respect for human rights,*
- (i) *promote respect for democracy, the rule of law and good governance.*

Whether there are good reasons for pursuing these purposes

5. There are good reasons for pursuing these purposes, namely to address the systematic undermining of democratic institutions and processes in Nicaragua, the ongoing repression of civil society in Nicaragua, and the lack of compliance with international human rights law and the undermining of human rights more broadly. Sanctions seek to hold those who undermine democracy, human rights and the rule of law in Nicaragua to account, and to encourage the Nicaraguan Government to end its repression against its citizens. Below are selected examples to demonstrate how the purposes appropriately reflect the ongoing situation in Nicaragua:

- (a) *Regulation 4(a), to “respect democratic principles and institutions, the separation of powers and the rule of law in Nicaragua”.* In April 2019, the Nicaraguan Government unilaterally withdrew from political dialogue with the opposition Civic Alliance, despite having agreed a ‘road map’ to resolve the country’s socio-political crisis just two weeks earlier. In July 2019, President Ortega declared the dialogue definitively over.⁴⁸ Since 1 September 2020, the Office of the United Nations High Commissioner for Human Rights (OHCHR) registered that 15 opposition supporters had been arbitrarily detained and released within 24 hours. OHCHR also identified 34 instances in which police officers or pro-government elements had harassed or intimidated people taking part in rallies or other political activities.⁴⁹ The Nicaraguan Government has taken steps to exclude political actors from taking part in the political process, and political opposition groups report instances of surveillance and harassment. The law on “Defence of the Rights of the People to Independence, Sovereignty and Self-determination for Peace”, approved by the Nicaraguan National Assembly in December 2020, gave the Nicaraguan Government the power to designate citizens seen as ‘traitors to the homeland’ and ban them from running for

⁴⁸ ‘Crisis Watch’ (August 2019), *International Crisis Group*. Available at: <https://www.crisisgroup.org/crisiswatch/sept-august-2019>

⁴⁹ United Nations Human Rights Council (UNHRC), *Situation of Human Rights in Nicaragua: Report of the United Nations High Commissioner for Human Rights (A/HRC/46/21)*, p. 7. Available at: <https://undocs.org/en/A/HRC/46/21>

public office, including in the upcoming presidential elections.⁵⁰ The UNHRC Commission, which began its work in July 2018, described the law as setting “restrictions incompatible with international human rights standards that may affect the exercise of the rights to political participation and to freedom of expression.”⁵¹ Since May 2021, this law has been used to intimidate Ortega’s political opponents and as of July 2021 more than 26 opposition figures, including six potential Presidential candidates, have been arrested. The Permanent Council of the Organization for American States passed a resolution in June 2021 expressing alarm at the “recent deterioration of the political climate and human rights situation in Nicaragua, including the misuse of legislation and actions to intimidate and threaten members of the opposition and the press and to restrict political participation”.⁵² The Nicaraguan Government is failing to fulfil their commitment to the OHCHR and OAS to introduce electoral reforms and is systematically undermining democracy by arresting opposition figures.^{53, 54}

(b) *Regulation 4(b), to “refrain from actions, policies and activities which repress civil society in Nicaragua”.* The human rights situation in Nicaragua has been declining since April 2018, when the National Police and pro-government gangs violently put an end to civilian protests, leaving over 300 dead, close to 2000 injured and hundreds unlawfully detained, with some people subjected to torture and other ill-treatment.⁵⁵ Since then, President Ortega’s regime has systematically *suppressed* anti-government protests. The security forces and pro-government armed groups continue to use disproportionate, and at times lethal, force to repress political opponents, demonstrators, journalists, and members of the Catholic Church⁵⁶. Political prisoners are held, and routinely tortured.⁵⁷ In a report published in February 2021, the OHCHR documented over 83 cases of “persecution, harassment and threats” against civil society actors including human rights defenders from 2019-

⁵⁰ ‘Nicaragua essentially bans opposition from 2021 elections’ (December 2020), *The Independent*. Available at: <https://www.independent.co.uk/news/world/americas/us-politics/nicaragua-essentially-bans-opposition-from-2021-elections-daniel-ortega-nicaragua-congress-government-opposition-b1777359.html>

⁵¹ UNHRC, A/HRC/46/21, p. 7

⁵² Organization for American States (2021) Permanent Council resolution: *The Situation in Nicaragua*. Available at: http://scm.oas.org/doc_public/english/hist_21/CP44215E03.docx

⁵³ UNHRC, A/HRC/46/21, p. 7

⁵⁴ Organization for American States (2020), *Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections*. Available at: https://www.oas.org/en/media_center/press_release.asp?sCodigo=S-019/20

⁵⁵ Amnesty International (2018), *Instilling Terror: From Lethal Force to Persecution in Nicaragua*, pp. 5, 10. Available at: <https://www.amnesty.org/download/Documents/AMR4392132018ENGLISH.PDF>

⁵⁶ UNHRC, A/HRC/46/21, p. 4

⁵⁷ UNHRC, A/HRC/46/21, pp. 4, 9

2020.⁵⁸ Furthermore, the OHCHR reported 30 cases of intimidation and threats against journalists and media workers that were not investigated by the Nicaraguan authorities.⁵⁹ The passing of the ambiguous “Special Law 1042 on Cybercrimes” and “Law 1040 on the Regulation of Foreign Agents” in October 2020, have provided the context for further suppression of civil society and repression of dissenting voices.

(c) *Regulation 4(c)*, to “comply with international human rights law and to respect human rights”. The OHCHR’s annual report, presented at the 46th session of the Human Rights Council in March 2021, documents the continued deterioration of the human rights situation in Nicaragua from August 2019 to December 2020.⁶⁰ The UN High Commissioner’s findings highlight the increasing restrictions on civic space and political rights, the continued use of arbitrary detention, the harassment and intimidation of human rights defenders and journalists, and a number of concerning pieces of legislation, which undermine freedom of expression, association and peaceful assembly.⁶¹ The UK remains concerned that a 7 June 2019 Amnesty Law exonerates perpetrators of human rights violations committed during anti-government protests, including the individual responsible for shooting dead a Brazilian student in July 2018, because victims have no recourse to justice.^{62, 63}

6. Three years ago, in 2018, the Nicaraguan authorities were responsible for serious and deliberate human rights violations in response to popular protests. More than 300 people were killed, 2,000 people were injured and at least 1,600 citizens were arbitrarily deprived of their liberty.⁶⁴ Those accused of violating human rights have not faced justice in Nicaragua. The Ortega regime’s campaign of oppression and their stifling of voices of concern has continued in 2020 and 2021. In June 2020, various human rights organisations, such as OXFAM and the Centre for Justice and International Law, condemned the increasing repression of former political prisoners and their families, human rights defenders and journalists.⁶⁵ Despite government

⁵⁸ UNHRC, A/HRC/46/21, p. 4

⁵⁹ UNHRC, A/HRC/46/21, p. 5

⁶⁰ UNHRC, A/HRC/46/21

⁶¹ UNHRC, A/HRC/46/21, pp. 1-15.

⁶² UNHRC, A/HRC/46/21, pp. 7-8.

⁶³ ‘Nicaragua: Amnesty International Condemns Killing of Brazilian Medical Student’, *Amnesty International* (July 2018). Available at: <https://www.amnesty.org/en/latest/news/2018/07/nicaragua-amnesty-international-condemns-killing-of-brazilian-medical-student/>

⁶⁴ Inter-American Commission on Human Rights (2020), *Annual report 2020, Chapter IV.B: Nicaragua*. P. 556. Available at: <https://www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4b.NI-en.pdf>

⁶⁵ CEJIL (June 2020). ‘Human rights organizations condemn escalated repression in Nicaragua and demand the immediate release of all political prisoners’. Available at: <https://cejil.org/en/press-releases/human-rights-organizations-condemn-escalated-repression-in-nicaragua-and-demand-the-immediate-release-of-all-political-prisoners/>

assurances that it would release all political prisoners arrested following the protests in 2018, as of 15 October 2020,⁶⁶ more than 100 remained in custody, and there were numerous reports of prisoners being subject to torture and ill-treatment while in prison⁶⁷. According to civil society organisations, between 17 and 19 April 2020, there were 65 reported incidents, including physical assaults and threats against people viewed as government critics.⁶⁸ In September 2020, the International Federation for Human Rights issued a statement, signed by 50 Nicaraguan and international organisations, denouncing repression by the National Police.⁶⁹ During 2020-2021, the Ortega regime has introduced legislation that the UN High Commissioner for Human Rights says undermines the rights to freedom of expression, association and peaceful assembly.⁷⁰ The Ortega regime is using this and other legislation to systematically weaken the country's democratic institutions and processes. Its deployment of the National Police and pro-government mobs to harass politicians, human rights defenders, journalists and NGOs⁷¹, is intended to, and is, repressing civil society activity and disenfranchising opposition leaders and their parties. The democratic situation has deteriorated markedly since May 2021 with the unwarranted arrest of more than 26 individuals and opposition figures⁷². The Nicaraguan Government has repeatedly violated international human rights standards and fallen foul of its own country's Constitution. This includes Article 23 of the Constitution guaranteeing the Right to life, Article 30 guaranteeing freedom of expression, and Article 46 guaranteeing protection of human rights.⁷³ It is deliberately falling short of and failing to meet its responsibility and duty to protect and uphold the rights and freedoms of the Nicaraguan people. The international community has responded to these developments through statements, action in multilateral organisations and direct dialogue with the Ortega regime, which have not brought about a change in the regime's actions.

⁶⁶Organization of American States (October 2020). 'Statement from the General Secretariat on the Situation in Nicaragua'. Available at: https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-102/20

⁶⁷ BBC (2020), 'Nicaraguan President Ortega denies torture allegations'. Available at: <https://www.bbc.co.uk/news/world-latin-america-54614872>

⁶⁸ Centre for Justice and International Law (2020), 'Organizaciones denuncian aumento de la represión en Nicaragua en el aniversario de las protestas que iniciaron en abril de 2018'. Available at: <https://cejil.org/comunicado-de-prensa/organizaciones-denuncian-aumento-de-la-represion-en-nicaragua-en-el-aniversario-de-las-protestas-que-iniciaron-en-abril-de-2018/>

⁶⁹ International Federation for Human Rights (2020), 'Nicaraguan authorities' repression of activists, human rights defenders and journalists intensifies'.

⁷⁰ UNHRC, A/HRC/46/21

⁷¹ UNHRC, A/HRC/46/21 p.7-8

⁷² BBC (2021), 'Nicaraguan opposition activists held as crackdown intensifies'. Available at: <https://www.bbc.co.uk/news/world-latin-america-57733632>

⁷³ Constitute Project (2021). 'Nicaragua's Constitution of 1987 with Amendments through 2005'. Available at: https://www.constituteproject.org/constitution/Nicaragua_2005.pdf

Why imposition of sanctions is a reasonable course of action for these purposes

7. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for the purpose of encouraging a change in the behaviour of the Government of Nicaragua.
8. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy, and are appropriate to the purposes they are intending to achieve. These sanctions are not an end in themselves. They are one element of a broader strategy, which help to send a strong message against violations of democratic principles and institutions and against human rights violations or abuses in Nicaragua.
9. Not being able to impose such sanctions measures would undermine the UK's efforts to call out violations of human rights and democratic principles and institutions, and would reduce the incentive not to engage in the conduct that the 2020 Regulations target. It would stand out relative to the greater use of sanctions on Nicaragua from our international partners, implying that the UK condemns such actions less strongly. Given the gravity of these violations, it is considered the imposition of sanctions is a reasonable course of action.

Humanitarian impact

10. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable anything to be done in connection with the performance of any humanitarian assistance activity. This includes the work of international and non-governmental organisations carrying out relief activities in Nicaragua for the benefit of the civilian population there.

Conclusion

11. The Minister considers that carrying out the purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

12. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
13. The policy intention is that sanctions remain in place until these internationally recognised standards are upheld in Nicaragua.
14. The UK will deem the situation to have improved when the following conditions have been met:
 - (a) *Regulation 4(a), to “respect democratic principles and institutions, the separation of powers and the rule of law in Nicaragua”.*
 - a. Implementation by the Nicaraguan authorities of the OAS recommendations in 2017-2018 and reaffirmed in 2020, including allowing international election observers into Nicaragua.⁷⁴ These reforms would go some way to reinstating a transparent and robust electoral framework with sufficient safeguards consistent with international standards, as described in paragraph 5 above.
 - b. Repeal of laws passed in 2020 such as the “Foreign Agents Law”, “Cybercrime Law” and “The Law in Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace” which undermine the rule of law as described in paragraph 5 above.
 - (b) *Regulation 4(b), to “refrain from actions, policies and activities which repress civil society in Nicaragua”.*
 - a. Evidence that the detention and harassment of the political opposition, journalists, human rights defenders, and other members of Nicaraguan society by the Nicaraguan authorities has ceased.
 - b. Compliance with UNHCR’s call to the Nicaraguan Government to “repeal or amend legislation that may unduly restrict the rights to the freedoms of expression and association, to privacy and to take part in the conduct of public affairs”,⁷⁵ such as “The Law in Defense of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace”.
 - (c) *Regulation 4(c), to “comply with international human rights law and to respect human rights”.*

⁷⁴ OAS (2020). ‘Resolution Restoring Democratic Institutions and Respect for Human Rights in Nicaragua Through Free and Fair Elections’. Available at:

https://www.oas.org/en/media_center/press_release.asp?sCodigo=S-019/20

⁷⁵ UNHRC, A/HRC/46/21, p. 14

- a. Reporting by internationally recognised and reputable sources like the OHCHR report that the climate of repression, fear and intimidation has ceased.
- b. Conduct of trials, in compliance with international standards, of those accused of human rights violations linked to the 2018 protests.

17 September 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Russia (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Russia sanctions regime established by the Russia (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address Russia’s actions in destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine.
- The policy intention is that sanctions remain in place until the UK Government is assured that Russia has ended its illegal annexation of Crimea and the city of Sevastopol, ensured full implementation of the Minsk agreements, withdrawn its troops from Ukrainian soil, ended its support for the separatists, and enabled the restoration of security along the Ukraine-Russia border under effective and credible international monitoring, thereby enabling free and fair elections to be held throughout Ukraine.
- Russia has continued to take actions which threaten and destabilise Ukraine.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the sanctions regime.

The Russia (Sanctions) (EU Exit) Regulations 2019

1. The Russia (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 10 April 2019, laid before Parliament on 11 April 2019 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b) whether there are good reasons to pursue that purpose, and
 - c) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows: *encouraging Russia to cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as at the date of this review	228
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within paragraph (2)(c) and (2)(d), in that it is in the interests of international peace and security, and furthers a foreign policy objective of the government of the United Kingdom. Sanctions are intended to increase pressure on Russia to achieve the outcome of Russia ceasing actions which are destabilising Ukraine, or undermining Ukrainian sovereignty.
5. These purposes remain relevant following the deterioration of the security situation since the last Annual Review. The Russian military build-up in Ukraine, upward trajectory in the number of ceasefire violations in eastern Ukraine since November 2020⁷⁶, and continued activities attempting to isolate Crimea from Ukraine are destabilising Ukraine and undermining Ukrainian sovereignty and territorial integrity.

Whether there are good reasons for pursuing these purposes

6. There are good reasons for pursuing these purposes, namely that Russia's actions to change borders illegally and by force is geopolitically destabilising. Russia's intervention in eastern Ukraine and its illegal annexation of Crimea and the city of Sevastopol are a violation of a number of Russia's international commitments,

⁷⁶ <https://osce.usmission.gov/on-russias-ongoing-aggression-against-ukraine-and-illegal-occupation-of-crimea-22/>

including the OSCE Helsinki Final Act and the Budapest Memorandum. The UK has been clear that Russia should be held to account for its actions in Ukraine, and that it should change its behaviour towards Ukraine.

7. The UK has played a leading role in maintaining sanctions against Russia since 2014 to effect a change in Russia's Ukraine policy and end its illegal annexation of Crimea and the city of Sevastopol. Russia has failed to implement its commitments under the Minsk agreements, for example by failing to withdraw its forces from Ukraine. It continues to violate Ukraine's sovereignty in Crimea, and seeks to present this to the world as a *fait accompli*.
8. The Russia sanctions regime is part of a broader policy of measures. Continuing sanctions through the Regulations, alongside our international partners, is vital to put pressure on Russia to change its behaviour and policy toward Ukraine. Russia's military activity on Ukraine's border and in illegally-annexed Crimea in April 2021 and its contribution to instability in Ukraine, and ongoing Russian activities undermining Ukrainian sovereignty shows the importance of continuing to use this sanctions regime to increase pressure on Russia to change its behaviour.

Why imposition of sanctions is a reasonable course of action for these purposes

9. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of encouraging Russia to cease its destabilising actions against Ukraine, including actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
10. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate for the purposes they are intending to achieve. The gravity of the situation in Ukraine means that maintaining sanctions is a reasonable measure to take.
11. Russia has failed to implement its commitments regarding eastern Ukraine, agreed at the 9 December 2019 Normandy Format Summit in Paris, including; further demining and disengagement; further prisoner exchanges; opening of new crossing points along the Line of Contact; and full and unimpeded access for the OSCE Special Monitoring

Mission and humanitarian organisations to the non (Ukrainian) -government controlled areas of eastern Ukraine. Russia has also continued to engage in actions in Crimea which have undermined Ukrainian sovereignty and territorial integrity. The UK responded in October 2020 by imposing sanctions on individuals and entities involved in the construction of the Kerch Bridge. The situation in 2021 has deteriorated following Russian military activity on Ukraine's border and in illegally annexed Crimea. Despite Russia's announcement that its troops will withdraw, we remain clear that Russia's threatening and destabilising behaviour is unacceptable. There has been an upward trajectory in the number of ceasefire violations since November 2020 and spikes in the number of violations recorded in April 2021. Reporting from the OSCE Special Monitoring Mission demonstrates a significant heightening in ceasefire violations surrounding the escalation on the border: from July-November 2020 there were approximately 600 ceasefire violations per month, while there were more than 6,600 violations in April 2021.⁷⁷

12. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals to change the Russian Government's policy towards Ukraine. Bilateral engagement alone has not proved sufficient. The UK therefore combines sanctions with diplomatic measures. Under the UK's 2021 G7 Presidency, we led allies in issuing G7 statements on 18 March marking the 7th anniversary of Russia's illegal annexation of Crimea,⁷⁸ and on 12 April, calling on Russia to cease its military provocations in Crimea and at Ukraine's borders and to immediately de-escalate tensions in line with its international obligations.⁷⁹ G7 Foreign Ministers discussed Ukraine on 5 May and in their communique called on Russia to fully withdraw its forces and reduce tensions. During the G7 Leaders' Summit in June, the UK reiterated support for Ukraine. The PM and Foreign Secretary called the President and Foreign Minister of Ukraine respectively in April 2021 to assure them of the UK's support, which was reinforced by bilateral lobbying, lobbying through international frameworks and making statements in the OSCE. In August 2021 the UK participated in the International Crimea Platform; a mechanism through which international partners

⁷⁷ <https://osce.usmission.gov/on-russias-ongoing-aggression-against-ukraine-and-illegal-occupation-of-crimea-22/>

⁷⁸ <https://www.gov.uk/government/news/g7-foreign-ministers-statement-on-ukraine#:~:text=Ukraine%3A%20G7%20foreign%20ministers'%20statement%2C%2018%20March%202021,-English&text=The%20foreign%20ministers%20of%20G7,sovereignty%2C%20territorial%20integrity%20and%20independence.&text=We%20condemn%20Russia's%20violations%20of,peninsula%2C%20particularly%20of%20Crimean%20Tatars.>

⁷⁹ <https://www.gov.uk/government/news/ukraine-g7-foreign-ministers-statement-on-crimea>

coordinate and negotiate on Crimea, hold Russia to account for its actions and seek to take measurable steps towards the reintegration of the territory into Ukraine.

13. Sanctions put pressure on Russia to implement the Minsk agreements fully, end its illegal annexation of Crimea and the city of Sevastopol, withdraw its troops from Ukrainian soil, end its support for the separatists, and enable the restoration of security along the Ukraine-Russia border under effective and credible international monitoring. Sanctions send a clear political signal intended to drive behavioural change by the Russian state as a whole towards Ukraine. Any diminution of sanctions against Russia at this time would be seen as an acceptance of the Russian annexation of Crimea and the city of Sevastopol and Russia's destabilisation of eastern Ukraine. It would also undermine the pressure on Russia to comply in full with the Minsk agreements.

Humanitarian impact

14. Sanctions measures under the 2019 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. Regulation 61 provides for an exception which permits assistance with the "urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment." Regulation 64 of the 2019 Regulations enables the Treasury to issue 'Treasury licences' under the authority of which the prohibitions in regulations 11 to 15 (asset-freeze etc.) and 18 (investments in relation to Crimea) do not apply. The sanctions regime includes a licensing ground in relation to investment in Crimea to enable: the carrying out of projects exclusively in support of hospitals, or other public health institutions providing medical services, or civilian education establishments located in Crimea; anything to be done in relation to the provision or maintenance of appliances or equipment for medical use in Crimea; and anything to be done for the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment. The Treasury has also issued a General Licence whereby persons may make payment(s) out of non-frozen funds to the State Unitary Enterprise of the Crimean Republic 'Crimea Sea Ports' for services provided at the ports of Kerch Fishery Port, Yalta Commercial Port and Evpatoria Commercial Port, and for services provided by Gosidrografiya and by Port-Terminal branches of the Crimean Sea Ports.

Conclusion

15. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
16. The Minister considers the Regulations are still appropriate for those purposes, that there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
17. The policy intention is that sanctions remain in place until the UK Government is assured that Russia has ended its illegal annexation of Crimea and the city of Sevastopol, ensured full implementation of the Minsk agreements, withdrawn its troops from Ukrainian soil, ended its support for the separatists, and enabled the restoration of security along the Ukraine-Russia border under effective and credible international monitoring, thereby enabling free and fair elections to be held throughout Ukraine.
18. This position may be reached by evidence of Russia ceasing its actions in destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including ending the annexation of Crimea and Sevastopol, as outlined in the purposes of these Regulations. The UK Government will continue to coordinate with international partners, including on the future of the sanctions regime.

11/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth,
Foreign, Commonwealth and Development Office, on behalf of the Secretary of State
for Foreign, Commonwealth and Development Affairs**

The Somalia (Sanctions) (EU Exit) Regulations 2020 as amended
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime established by The Somalia (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to promote the peace, security and stability of Somalia.
- The situation the sanctions regime seeks to address has remained the same.
- The 2020 Regulations as amended implement the obligations in UN Security Council Resolutions 733 of 23 January 1992 (“UNSCR 733”); 1844 of 20 November 2008 (“UNSCR 1844”); 2036 of 22 February 2012 (“UNSCR 2036”); 2498 of 15 November 2019 (“UNSCR 2498”); and 2551 of 12 November 2020 (“UNSCR 2251”) - namely an arms embargo, asset-freezes, a targeted arms embargo, a charcoal ban and an IED components ban.
- The policy intention is that sanctions remain in place until there has been significant progress in building peace, stability, security and the rule of law in Somalia, and a significant reduction in the threat posed by armed terrorist groups such as Al Shabaab.
- The Minister has therefore decided to maintain the regime as it stands.

The Somalia (Sanctions) (EU Exit) Regulations 2020

1. The Somalia (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 25 June 2020, laid before Parliament on 29 June 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of–
 - d) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - e) Whether there are good reasons to pursue that purpose, and
 - f) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations as amended

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, as amended, are as follows:

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 obligations⁸⁰, and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of Somalia;*
- (b) supporting the Federal Government of Somalia to promote peace, stability, security and the rule of law, including, in particular, supporting its efforts to reconstruct the country, to counter the threats posed by terrorism and from illegal armed groups, and to tackle the flow of illegal arms;*
- (c) promoting the effective delivery of the mandates of the regional and international monitoring, peace-support and protection and training missions and mechanisms in Somalia including—*
 - (i) the African Union Mission in Somalia^{F1} and the Civilian Casualty Tracking, Analysis and Response Cell^{F2},*
 - (ii) the United Nations Assistance Mission in Somalia^{F3},*
 - (iii) the United Nations Support Office in Somalia^{F4},*
 - (iv) the European Union Training Mission in Somalia^{F5}, and*
 - (v) the Panel of Experts on Somalia^{F6};*
- (d) promoting respect for humanitarian assistance activities in Somalia;*
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Somalia;*
- (f) promoting respect for human rights in Somalia, including, in particular, respect for—*
 - (i) the right to life of persons in Somalia;*
 - (ii) the right of persons in Somalia not to be held in slavery or required to perform forced or compulsory labour;*
 - (iii) the right of persons not to be subjected to cruel, inhuman or degrading treatment or punishment in Somalia;*
 - (iv) the right to liberty and security of persons in Somalia, including freedom from arbitrary arrest, unlawful detention or enforced disappearance;*

⁸⁰ As defined in the 2020 Regulations as amended.

- (v) the right to a fair trial of persons charged with criminal offences in Somalia;*
 - (vi) the right of journalists, human rights defenders, civil society activists and other persons in Somalia to freedom of expression and peaceful assembly;*
 - (vii) the enjoyment of rights and freedoms in Somalia 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.*

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table. There are currently no UK designations under the 2020 Regulations.

UN designations

Total number of designations as at the date of this annual review	19
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Review of the 2020 Regulations

4. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2551 on 12 November 2020, which renews the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged apart from the imposition of additional measures to limit the import of Improvised Explosive Device ('IED') components into Somalia. Paragraph 26 of UNSCR 2551 added nitroglycerin to the list of prohibited IED components in UNSCR 2498.
5. The 2020 Regulations were amended by the Somalia (Sanctions) (EU Exit) (Amendment) Regulations 2021 to implement the UK's obligations under UNSCR 2551. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations as amended meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act.

7. In particular, carrying out these purposes falls within sub-paragraphs (c), (d), (e), (f), (g) and (i), in that it: is in the interests of international peace and security; furthers a foreign policy objective of the government of the United Kingdom; promotes the resolution of armed conflicts or the protection of civilians in conflict zones; provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law, or respect for human rights; promotes compliance with international humanitarian law; and promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

8. There are good reasons for pursuing these purposes. The UK's long-term vision is for Somalia, including Somaliland, to be increasingly secure, stable and prosperous. An unstable Somalia poses a threat to regional stability and provides a foothold for terrorist and criminal groups. The sanctions regime forms an important part of broader efforts by the UK and our international partners to build long-term security and stability in the region, including by limiting destabilising illegal flows of arms. Sanctions also support efforts to hold perpetrators to account for human rights abuses against vulnerable groups including killings, torture and other cruel, inhuman or degrading treatment, sexual violence and child recruitment into armed gangs, as well as supporting efforts by the international community to promote respect for human rights within Somalia.

Why imposition of sanctions is a reasonable course of action for these purposes

9. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations (other than those required for compliance with the UK's UN obligations) is a reasonable course of action for the purpose of supporting long-term improvements in Somalia's security and stability, in particular by limiting destabilising flows of arms, and tackling the resources (including money and weaponry) of terrorist groups such as Al-Shabaab.
10. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. HMG believes that sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
11. International sanctions relating to Somalia are a central part of international efforts to help build long-term security and stability in the country. Somalia remains highly fragile, and Al Shabaab (and other illegal armed groups such as Daesh) continue to pose a

fundamental threat to both national and regional stability. Under the UN sanctions regime, the partial arms embargo prevents these groups from accessing any kind of military equipment, while at the same time supporting efforts by international peace support missions such as the African Union Mission in Somalia (AMISOM) to tackle Al Shabaab and build the capacity of the Somali armed forces. The regime further assists international efforts to build security and stability in Somalia by imposing a ban on the import of Somali charcoal, as a key source of financial revenue for Al Shabaab, and regulating the import of material used to build improvised explosive devices.

12. In addition to the purposes of the UN regime, the existence of a UK autonomous sanctions regime offers the potential to promote specific UK policy objectives relating to Somalia through use of sanctions, including where there is insufficient agreement to achieve this through the UN regime. This could include exerting specific pressure on individuals whose actions are assessed to present an obstacle to efforts to promote peace, security, stability and the rule of law in Somalia; or progressing specific goals under the UK's approach to countering Al Shabaab which we cannot deliver through the UN (eg if there is insufficient UNSC agreement to support a UN listing of an individual with terrorist affiliations).

13. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals with regard to Somalia. The UK will continue to carry out a wide range of other activity, which includes training up the Somali National Army to combat Al Shabaab, supporting AMISOM to maintain security in Somalia, and multilaterally leading on Somalia issues at the UN. The policy intention is to keep the sanctions relating to Somalia in place until there has been evidence of concrete improvement in the areas of concern outlined in the purposes of the 2020 Regulations as amended. The UK Government will continue to coordinate with international partners, to push for the rigorous implementation of existing sanctions, and to coordinate on the future of the sanctions regime.

Humanitarian impact

14. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes a humanitarian exception, where the prohibitions in regulations 12-16 are not contravened by a person making funds or economic resources available which are necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations,

its specialised agencies or programmes, or by humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners. The sanctions regime also contains licensing grounds where a licence may be granted for the export, making available, transfer, supply or delivery of non-lethal military goods and military technology if the goods and technology are intended solely for humanitarian or protective use.

Conclusion

15. Since the 2020 Regulations were made, the Security Council of the United Nations adopted UNSCR 2551 on 12 November 2020 which imposes additional measures to limit the import of Improvised Explosive Device ('IED') components into Somalia. The 2020 Regulations were amended by the Somalia (Sanctions) (EU Exit) (Amendment) Regulations 2021 to implement the UK's obligations under UNSCR 2551. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.
16. The Minister considers that carrying out the non-UN purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
17. The Minister considers the 2020 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
18. The policy intention is that sanctions remain in place until there has been significant progress in building peace, stability, security and the rule of law in Somalia, and a significant reduction in the threat posed by armed terrorist groups such as Al Shabaab.

10/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The South Sudan (Sanctions) (EU Exit) Regulations 2019
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime established by The South Sudan (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to promote the peace, stability and security of South Sudan.
- The situation in South Sudan has remained largely the same, characterised by slow and inconsistent implementation of the 2018 Peace Agreement, continued intercommunal violence in many areas of the country, and widespread human rights concerns.
- The 2019 Regulations implement the obligations in UN Security Council Resolution 2206 of 3 March 2015 (“UNSCR 2206”) and 2428 of 13 July 2018 (“UNSCR 2428”), namely the imposition of financial sanctions (asset freezes) and an arms embargo.
- The policy intention is that sanctions remain in place until a sustained and durable peace has been delivered, including through the full implementation of the 2018 Peace Agreement and Cessation of Hostilities, eventual elections, alongside improvements in the human rights situation for ordinary South Sudanese across the country.
- The Minister has therefore decided to maintain the regime as it stands.

The South Sudan (Sanctions) (EU Exit) Regulations 2019

1. The South Sudan (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 4 March 2019, laid before Parliament on 6 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - g) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - h) Whether there are good reasons to pursue that purpose, and
 - i) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the Regulations, are as follows:

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 obligations⁸¹, and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of South Sudan,*
- (b) encouraging the resolution of the political crisis and armed conflicts in South Sudan, including the implementation of the ARCSS and R-ARCSS,*
- (c) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms in South Sudan, including—*
 - (i) the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism F1,*
 - (ii) the Revitalised Joint Monitoring and Evaluation Commission F2, and*
 - (iii) the United Nations Mission in South Sudan F3,*
- (d) promoting respect for humanitarian assistance activities in South Sudan,*
- (e) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in South Sudan, and*
- (f) promoting respect for human rights in South Sudan, including, in particular, respect for—*
 - (i) the right to life of persons in South Sudan;*
 - (ii) the right of persons in South Sudan 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 South Sudan, including in the context of—*
 - (aa) violence against persons on the basis of their ethnicity,*
 - (bb) rape and other forms of sexual and gender-based violence, or*
 - (cc) recruitment or use of children as soldiers;*

⁸¹ As defined in the 2019 Regulations.

(iv) the right to liberty and security of persons in South Sudan, including freedom from arbitrary arrest, detention or enforced disappearance,

(v) the right to a fair trial of persons charged with criminal offences in South Sudan;

(vi) the rights of journalists, human rights defenders, civil society activists and other persons in South Sudan to freedom of expression and peaceful assembly;

(vii) the enjoyment of rights and freedoms in South Sudan 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.

Designations

3. The status of designations under the 2019 Regulations is as set out in the following tables:

UN designations

Total number of designations as of the date of this review	8
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UK designations

Total number of designations as of the date of this review	1
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Review of the 2019 Regulations

4. Since the 2019 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2471 on 30 May 2019, UNSCR 2521 on 29 May 2020 and UNSCR 2577 on 28 May 2021 which renew the sanctions obligations implemented by the 2019 Regulations. The UN obligations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within subparagraphs (d),(e), (f)(ii) and (g) in that it promotes the resolution of armed conflicts or the

protection of civilians in conflict zones, promotes compliance with international humanitarian law and promotes respect for human rights, as well as supports the delivery of HMG's strategy in respect of South Sudan.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes, namely to support the resolution of the political crisis and the end of the armed conflicts in South Sudan. This includes through the implementation of the 2018 Peace Agreement (Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS)) and all parties to the conflicts acting according to agreed ceasefires and cessation of hostilities. The conflicts in South Sudan have cost around 400,000 lives, displaced over a third of the country's population and the associated humanitarian crisis that means 60% of the population face acute food insecurity. Over 130 humanitarian workers have been killed in the country since 2013, at least 14 in 2021.
8. The signing of the R-ARCSS on 12 September 2018 has led to overall reductions in violence and some activity by all sides to implement the provisions of the agreement. The formation of a Transitional Government of National Unity on 22 February 2019 was demonstration that the parties to the peace agreement can work together. However, this progress was nine months delayed. Three years on from signing the Agreement key tasks, such as the creation of a 'necessary unified force', remain unfulfilled as do key governance tasks that would support eventual elections (such as constitution forming processes). The peace agreement remains fragile and dependent upon political will from parties who struggle to work together and have failed to build momentum for the letter and spirit of the Agreement. Despite the slow and inconsistent implementation, a peace agreement that is successfully implemented in full and sustains over time remains in the best interests of the people of South Sudan, the region and international community.
9. Ceasefire violations and breaches of international law continue, as does violence, including directed at civilians. These include horrific incidents of sexual violence, humanitarian obstruction and endemic corruption among South Sudan's elites. The UK continues to lead international efforts, both through the Troika (UK/US/Norway) and international organisations, to hold human rights violators and abusers and spoilers to the peace deal to account and to encourage positive behaviour change. We do this by putting pressure on persons in South Sudan, including by imposing sanctions on those who seek to undermine the peace, security and stability of South Sudan.

10. The human rights situation in South Sudan is of serious concern to the UK, the international community and multiple humanitarian organisations. Multiple reports from the UN Mission in South Sudan (UNMISS) and the Office of the High Commission for Human Rights (OHCHR) evidence the scale and brutality of the atrocities. These include: unlawful killing; forced recruitment; widespread sexual and gender-based violence, including rape; violence, including torture and unlawful killing, against persons based on their ethnicity; abduction and forced disappearance; lack of respect for the right to freedom of assembly, opinion and expression. The UK shares concerns over these same issues.

Why imposition of sanctions is a reasonable course of action for these purposes

11. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purpose of encouraging the resolution of the political crisis and armed conflicts in South Sudan, and respect for human rights.
12. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
13. Sanctions are a reasonable measure to take as they directly support the implementation of the revitalised peace deal (R-ARCSS), signed on 12 September 2018, by demonstrating that spoilers to the resolution of the political crisis will be held accountable. The signing of the R-ARCSS was largely due to sustained international pressure on the issue as were key moments of progress such as forming the transitional government. Sanctions were one of the mechanisms through which the UK and others put pressure on all sides of the conflicts to seek a resolution to the political crisis.
14. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in South Sudan. Direct lobbying alone has not proved sufficient. The UK is therefore combining sanctions with bilateral lobbying, lobbying through international frameworks, supporting UN resolutions, supporting the proposal and implementation of UN sanctions and supporting UNMISS.
15. The peace agreement has continued to deliver overall reductions in violence particularly national level conflict between the Parties. Nevertheless, the situation in South Sudan

continues to require pressure to maintain these gains and encourage progress in implementing the agreement. Incidents of localised and intercommunal violence continue to be an issue across many parts of the country. Ordinary South Sudanese continue to experience human rights violations and abuses, along with a dire humanitarian situation and endemic corruption.

Humanitarian impact

16. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds so that a licence may be granted for the export, making available, transfer, supply or delivery of non-lethal military goods or technology if the goods or technology are intended solely for humanitarian assistance activities or for protective use. A licence may also be granted for the provision of technical assistance, brokering services, financial services and funds relating to military goods or technology if the technical assistance, financial services, funds or brokering services relate to non-lethal military goods or technology that are intended solely for humanitarian assistance activities or for protective use. A licence may also be granted for arms and related materiel, as well as technical training and assistance, solely in support of the implementation of the terms of the peace agreement.

Conclusion

17. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.

18. The Minister considers that carrying out the non-UN purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

19. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

20. The policy intention is that sanctions remain in place until the UK Government is assured that there has been sufficient positive behaviour change, over a sustained period. This would likely include steps to show sustained improvement in the areas of concern

outlined in the purposes of the Regulations; for instance, in relation to violence, the undermining of the peace, stability and security of South Sudan or persons acting as spoilers to the peace and ceasefire agreements. Most immediately, this includes the operation of an inclusive Transitional Government of National Unity and delivery of activities required under the 'transition period' of the peace agreement towards elections. In addition, improvements in the human rights situation and an end to the culture of impunity (such as implementation of transitional justice mechanisms committed to within R-ARCSS) will be important considerations towards any eventual lifting, drawing on reporting such as the UN. In the case of the Arms Embargo, the UN Security Council agreed a set of benchmarks as part of renewing the mandate for the Arms Embargo and Sanctions Regime. Delivery of progress against these benchmarks, which reflect the need for implementation of relevant elements of R-ARCSS, will guide any consideration of future lifting of the Arms Embargo. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

21. The UK will consider that the situation has materially and sustainably improved based on consultation with key partners, including at the UN Security Council, drawing on assessments of conflict and stability, levels of violence in the country, and progress against commitments made on the peace and ceasefire agreements.

10/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Sudan (Sanctions) (EU Exit) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The sanctions regime established by The Sudan (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to promote the peace, stability and security of Sudan.
- A coup d’état was effected by the Sudanese military on 25 October 2021. A state of emergency was declared and many civilian members of Sudan’s transitional government detained. As such the situation in Sudan is fragile, with continued issues of concern related to stability, good governance, conflict and human rights.
- The 2020 Regulations implement the obligations in UN Security Council Resolutions 1556 of 30 July 2004 (“UNSCR 1556”) and 1591 of 29 March 2015 (“UNSCR 1591”), namely the imposition of financial sanctions (asset-freezes) and an arms embargo.
- The policy intention is that sanctions remain in place until such time that the reasons for imposing the sanctions regime have been addressed. This might include a potential return to the democratic transition following the coup d’état of 25 October 2021, progress in the peace process (potentially that the Juba Peace Agreement is comprehensive and accepted by all armed groups) and that the implementation of peace agreements and wider transition to democracy leads to a sustained reduction in conflict and violence. As part of negotiations at the UN Security Council (initiated prior to the coup) over the future of the UN sanctions and arms embargo in Darfur, consideration is being given to a process of benchmarks that would help to inform any eventual lifting of these measures.
- The Minister has therefore decided to take no action in respect of the 2020 Regulations.

The Sudan (Sanctions) (EU Exit) Regulations 2020

1. The Sudan (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 16 July 2020, laid before Parliament on 20 July 2020 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN

obligation or other international obligation, any review must also include consideration of

—

- j) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
- k) Whether there are good reasons to pursue that purpose, and
- l) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are as follows:

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 obligations⁸², and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of Sudan,*
- (b) encouraging the resolution of the armed conflicts in Sudan and the stabilisation of Sudan, including by way of—*
 - (i) comprehensive and inclusive peace negotiations and agreements, and*
 - (ii) transition to civilian-led government and democracy, with particular reference to the Constitutional Document F1,*
- (c) promoting respect for democracy, the rule of law and good governance in Sudan,*
- (d) promoting the effective delivery of the mandates of the regional or international monitoring and peace-support missions and mechanisms whose activities contribute to the peace, stability and security of Sudan, including—*
 - (i) the United Nations Integrated Transition Assistance Mission in Sudan F2,*
 - (ii) the United Nations-African Union Hybrid Operation in Darfur F3,*
 - (iii) the United Nations Interim Security Force for Abyei F4,*
- (e) promoting respect for humanitarian assistance activity in Sudan,*
- (f) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Sudan, and*
- (g) promoting respect for, and accountability in relation to violations or abuses of human rights in Sudan, including, in particular, respect for—*

⁸² As defined in the 2020 Regulations.

- (i) the right to life of persons in Sudan;*
 - (ii) the right of persons in Sudan 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 Sudan;*
 - (iv) the right to liberty and security of persons in Sudan, including freedom from arbitrary arrest, detention or enforced disappearance;*
 - (v) the right to a fair trial of persons charged with criminal offences in Sudan;*
 - (vi) the rights of journalists, human rights defenders, civil society activists and other persons in Sudan to freedom of expression and peaceful assembly;*
 - (vii) the enjoyment of rights and freedoms in Sudan 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.*

Designations

3. The status of designations under the 2020 Regulations is as set out in the following table. There are no UK designations under the 2020 Regulations.

UN designations

Total number of designations as at the date of this review	3
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Review of the 2020 Regulations

4. Since the 2020 Regulations were made, the Security Council of the United Nations has adopted UNSCR 2562 on 11 February 2021, which renews the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged.
5. As the Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular, carrying out these purposes falls within the purpose of the following paragraphs:

- (c) is in the interests of international peace and security
- (d) furthers a foreign policy objective of the government of the United Kingdom
- (e) promotes the resolution of armed conflicts or the protection of civilians in conflict zones
- (f) provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law, or respect for human rights
- (g) promotes compliance with international humanitarian law
- (i) promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes. The UK’s policy on Sudan is to promote peace, stability and security in Sudan, including through encouraging the resolution of the conflicts that have affected the people of Sudan for decades, and through the promotion of respect for democracy, the rule of law and good governance. During these conflicts, there have been historic allegations of human rights violations including allegations of crimes against humanity. The security situation in conflict areas within Sudan remain fragile. Incidents of violence continue (over 100 civilians were reported killed in clashes in Western Darfur in early 2021).

8. A coup d’état was effected by the Sudanese military on 25 October 2021. A state of emergency was declared and many civilian members of Sudan’s transitional government detained. Despite their actions the Sudanese military claim to remain committed to delivering the democratic transition. As of early November 2021 mediation efforts continue but the actions of the Sudanese military threaten to unpick the positive progress made in Sudan since the 2019 revolution. As such the situation in Sudan is fragile and there are a number of issues of concern related to stability, good governance, conflict and human rights.

9. Prior to the events of 25 October 2021 implementation of the 2019 Political Agreement to a democratic transition had delivered some genuine improvements in governance and stability. The civilian-led transitional government made significant progress in securing the Juba Peace Agreement with a grouping of opposition groups that, if implemented in full, should help to bring a lasting end to conflict, including in Darfur. The root causes of conflict and instability were however still not addressed comprehensively. A peace agreement will need to be adopted by all parties and implemented in full. At present two potent armed Darfuri opposition groups have not signed the Juba Peace Agreement, and

the future of any peace talks may depend on the trajectory of the democratic transition following the coup. Within this wider policy, sanctions are a tool to constrain the activities of those who impede efforts to bring peace to the conflict areas and wider stability and respect for democracy in Sudan, and to hold those who seek to undermine peace and stability in Sudan to account.

Why imposition of sanctions is a reasonable course of action for these purposes

10. The imposition of prohibitions and requirements of the kind imposed by these Regulations are a reasonable course of action for the purpose of promoting peace and stability in Sudan, the resolution of armed conflicts, as well as respect for human rights, protection of civilians and compliance with international humanitarian law, respect for democracy, the rule of law and good governance in Sudan.
11. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
12. Due to the gravity of the situation in Sudan, putting sanctions in place is a reasonable measure to take. Despite the signing of the Juba Peace Agreement by the transitional government prior to the military coup d'état in October 2021, a comprehensive and lasting peace agreement is not yet secured. This will need to be accepted by all parties and implemented in full if the root causes of the conflict are to be addressed. Incidents of inter-communal violence continue to occur (there have been spikes in violence in West Darfur in March 2021). There is a history of human rights violations and abuses, which remain a concern.
13. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in Sudan, which includes a significant focus on supporting the process of transition to democracy agreed in 2019, as well as efforts to support a programme of reforms and peace process by the civilian-led government. The UK is therefore combining the retention of sanctions with bilateral lobbying, lobbying through international frameworks, supporting UN resolutions, supporting UN missions to Sudan, as well as broader efforts to ensure that the 2019 revolution in Sudan delivers peace and stability for all Sudanese.

14. The policy intention is to keep the sanctions on Sudan in place until the UK Government is assured that the processes to end conflict in Sudan have been implemented, that the need for such measures to influence behaviours has ended, and that accountability mechanisms have been adopted by Sudan. This would be evidenced, in part, by a *comprehensive* peace settlement, the implementation of the agreement to a democratic transition given the military coup d'état, and by concrete steps being taken to show an improvement in the areas of concern outlined in the purposes of these Regulations. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

15. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable a licence to be granted for the export, making available, transfer, supply or delivery of non-lethal military goods or military technology if the goods or technology are intended solely for humanitarian, human rights monitoring or protective use. A licence may be granted for the provision of technical assistance, brokering services, financial services and funds relating to non-lethal military goods or military technology if intended solely for humanitarian, human rights monitoring or protective use. The UK seeks to ensure that any potential unintended consequences are minimised by ensuring that the sanctions measures under the regulations are carefully targeted and through the inclusion of the above-mentioned licensing grounds.

Conclusion

16. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for implementing those obligations.

17. The Minister considers that carrying out the purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

18. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

19. The policy intention is that sanctions remain in place until there is further progress in the peace process (potentially that the Juba Peace Agreement is comprehensive and accepted by all armed groups) and that the implementation of peace agreements and a wider transition to democracy leads to a sustained reduction in conflict and violence. Such considerations will include the impacts of the military coup d'état of 25 October 2021. As part of negotiations at the UN Security Council (initiated prior to the coup) over the future of the UN sanctions and UN arms embargo (covering Darfur), consideration is being given to a process of benchmarks that would also help inform any eventual lifting of these measures.

12/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Syria (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Syria sanctions regime established by the Syria (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address the repression of the civilian population in Syria by the “Syrian regime” (as defined in the 2019 Regulations), and encourage the regime to participate in negotiations in good faith to reach a negotiated political settlement to bring about a peaceful solution to the conflict in Syria.
- The policy intention is that sanctions remain in place until the Syrian regime engages seriously with a credible UN led political process.
- The situation in Syria has remained the same, with respect to the ongoing repression of the civilian population and the Syrian regime’s failure to engage meaningfully with the UN led political process.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to take no action in respect of the 2019 Regulations.

The Syria (Sanctions) (EU Exit) Regulations 2019

1. The Syria (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 3rd April 2019, laid before Parliament on 5th April 2019 and came into force on 31st December 2019. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - a. whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - b. whether there are good reasons to pursue that purpose, and
 - c. whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the 2019 Regulations, are *“to encourage the Syrian regime to refrain from actions, policies or activities which repress the civilian population in Syria, and participate in negotiations in good faith to reach a negotiated political settlement to bring about a peaceful solution to the conflict in Syria.”*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as of October 18th 2021	352
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act.
5. In particular, carrying out these purposes falls within sub-paragraphs (d), (e), (f)(ii), (g) and (h), in that it promotes: a foreign policy objective of the UK; the resolution of the armed conflict in Syria and the protection of civilians in that conflict zone; respect for human rights; compliance with international humanitarian law; and contributes to multilateral efforts to prevent the spread and use of weapons and materials of mass destruction.
6. Evidence shows that these purposes have not been met. Recent reports on the actions of the Syrian regime set out clearly why it would not be appropriate to remove sanctions at this time. These include the illegitimate presidential elections of May 2021, the UN Commission of Inquiry attributing human rights violations and war crimes to the regime, and the second report of the Organisation for the Prohibition of Chemical Weapons' (OPCW) Investigation and Identification Team (IIT) of 12 April 2021 which concludes that there are reasonable grounds to believe that on 4 February 2018, the Syrian Arab Air Force released chlorine in Saraqib, north western Syria, affecting 12 named individuals. July 2021 has also seen further reports of regime artillery shelling civilian areas in north-west Syria. The UK Government continues to lead international efforts to encourage the Syrian regime to respect human rights and

calls for accountability. Through sanctions, the UK Government can continue to apply pressure on the Syrian regime in pursuit of reform, targeting persons responsible for the violent repression against civilians, as well as persons benefiting from or providing support to the Syrian regime.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes, namely to address the ongoing atrocities which continue to take place against civilians across the country. The situation remains a priority and a serious concern to both the UK and the international community.

8. In particular the use of chemical weapons is a major and continuing humanitarian concern in Syria. Following a chemical weapons attack in Ghouta on 21 August 2013 involving the nerve agent sarin, which left hundreds of people dead, Syria joined the Chemical Weapons Convention (CWC) in September 2013, committing to surrender Syria's stockpile of chemical materials which could be used to produce such weapons. Despite the OPCW and the UN destroying all of the declared chemicals, the OPCW has confirmed the use of chemical weapons in Syria on several occasions since 2013. The Joint Investigative Mechanism of the OPCW and UN concluded that the Syrian Arab Republic was responsible for the release of sarin at Khan Shaykhun on 4 April 2017. In 2018, the OPCW's IIT was established to identify the perpetrators of chemical weapons attacks. Their first report, published in April 2020, identified the Syrian Air Force as responsible for three chemical weapons attacks in Ltameneh in March 2017. The second IIT report (12 April 2021) found that the Syrian Air Force was responsible for a chlorine attack on Saraqib on 4 February 2018. In July 2020, the OPCW Executive Council agreed a Decision which gave Syria 90 days to take specified steps to come into compliance with its obligations under the CWC. The OPCW Director-General reported in October 2020 that Syria had not taken the steps needed to come into compliance. The issue was then sent to the Conference of States Parties (CSP) as recommended by the Executive Council. The Convention is clear that in such circumstances the Conference can suspend the voting rights of the State Party concerned and its privilege to stand for election or to hold office in the OPCW's CSP and Executive Council (its policy-making organs). The CSP decided (voting 87-15) to do this on 21 April 2021. In a statement to the Executive Council in July 2021, the Director-General confirmed that twenty issues remain outstanding with Syria's initial declaration. These issues include several hundred tonnes of chemical warfare agents

of which the reported destruction still cannot be verified. This is deeply concerning and shows Syria's ongoing lack of cooperation with the organisation.

Why imposition of sanctions is a reasonable course of action for these purposes

9. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK Government believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
10. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purposes of encouraging the Syrian regime to refrain from actions, policies or activities which repress the civilian population in Syria, and to participate in negotiations in good faith to reach a negotiated political settlement to bring about a peaceful solution to the conflict in Syria. The gravity of the humanitarian situation in Syria makes the implementation of sanctions necessary to help to end the conflict.
11. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in Syria. In addition to sanctions, due to the Assad regime's atrocities against the Syrian people, the UK suspended all services of the British Embassy in Damascus and withdrew all diplomatic personnel from Syria in 2012. From outside the country, the UK continues to pursue efforts to reach a much-needed solution, including as a leader in multilateral fora. The UK Government is lobbying through international frameworks, supporting UN resolutions and supporting the work of the UN Special Envoy. As a member of the Small Group on Syria⁸³, the UK plays a prominent role in pushing for a credible and balanced political settlement that meets the needs of the civilian population in Syria.

Humanitarian impact

12. Sanctions measures under the 2019 Regulations are carefully targeted. UK Syria sanctions carefully target the Assad regime and its cronies, not the civilian population. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The UK does not sanction medicine, medical equipment or medical assistance, and items required to fight the

⁸³ The 'Small Group' is made up of the UK, USA, Egypt, France, Germany, Jordan and Saudi Arabia

COVID-19 pandemic are not subject to direct restrictions on export, supply, financing or use in Syria. To further guard against unintentional humanitarian impact, UK sanctions provide for a range of exceptions, in order not to obstruct humanitarian activity, or export of medicines or other humanitarian goods.

13. Regulation 57(2) provides for an exception which permits a UK funded person to make funds or economic resources available for the purposes of “(a) *purchasing, supplying or delivering petroleum products, or (b) providing funds, economic resources or financial services in relation to the purchase, supply or delivery of petroleum products, where the petroleum products are purchased, supplied or delivered exclusively for the purposes of providing a humanitarian assistance activity.*” The 2019 Regulations also includes licensing grounds which enable the Treasury to issue licences which authorise otherwise prohibited acts for purposes of humanitarian assistance activities and “*to enable, by the use of a designated person’s frozen funds or economic resources, a payment to be made to the United Nations in connection with the performance of any activity whose purpose is consistent with the Syrian Humanitarian Response Plan*” (Schedule 6, Part 2(7)).

Conclusion

14. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
15. The Minister considers the 2019 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
16. The policy intention is to retain sanctions on Syria until the UK Government is assured that the humanitarian situation has improved, and the Syrian regime has engaged in a credible UN-led political solution. This is in keeping with other aspects of the UK’s Syria policy, including on reconstruction, which the UK Government will not fund until such a political process is firmly underway. This position may be reached by evidence of some concrete steps having been taken that shows an improvement in the areas of concern outlined in the purposes of the 2019 Regulations. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

17. In line with UN Security Council Resolution 2254 (2015), the UK will accept nothing less than free and fair elections in Syria, which can only take place: pursuant to a new constitution; supervised by the UN; which protects the rights of all Syrians, in which civil society, refugees, women and minorities must play a role. Anything else will make a mockery of democracy. If the regime and its backers want to avoid another ten years of conflict they must seriously engage with the political process outlined in UN Security Council Resolution 2254.

09/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Syria (United Nations Sanctions) (Cultural Property) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The Syria (United Nations Sanctions) (Cultural Property) Regulations 2020 (“the 2020 Regulations”) implement the UN obligations in UN Security Council Resolution 2199 (2015) (UNSCR 2199), which require UN Member States to take appropriate steps to prevent trade in Syrian cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance, illegally removed from Syria since 15 March 2011.
- The UNSCR obligations have not changed since the 2020 Regulations were laid in Parliament.
- The 2020 Regulations remain appropriate for their purpose of implementing the obligations under UNSCR 2199.
- The Minister has therefore decided take no action in respect of the 2020 Regulations.

The Syria (United Nations Sanctions) (Cultural Property) Regulations 2020

1. The Syria (United Nations Sanctions) (Cultural Property) Regulations 2020 (“the 2020 Regulations”) were made on 5 November 2020, laid before Parliament on 9 November 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3).

Review of the 2020 Regulations

2. The purpose of the Syria (United Nations Sanctions) (Cultural Property) (EU Exit) Regulations, as set out in regulation 4 of the Regulations, is “*compliance with the obligations that the United Kingdom has by virtue of paragraph 17 of resolution 2199*” adopted by the Security Council on 12 February 2015.
3. The UN obligations were imposed in response to the destruction of cultural heritage in Syria particularly by Daesh (ISIL) and Al-Nusrah Front (ANF), whether such destruction is incidental or deliberate and including the targeted destruction of religious sites and objects; and to address concerns that Daesh (ISIL), ANF and other individuals, groups,

undertakings and entities associated with Al-Qaida, are generating income from engaging directly or indirectly in the looting and smuggling of cultural heritage items from archaeological sites, museums, libraries, archives, and other sites in Syria, which is being used to support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks.

4. The Regulations impose trade restrictions on the trade in Syrian cultural property or any other item of archaeological, historical, cultural, rare scientific or religious importance, illegally removed from Syria on or since 15 March 2011. The Regulations make it a criminal offence to contravene these trade sanctions, as well as to enable or facilitate a contravention of, or to circumvent, any of the prohibitions in the Regulations.
5. The UNSCR obligations have not changed since the Regulations were laid in Parliament. The Regulations remain appropriate for the purpose of implementing the UN obligations in respect of cultural property under UNSCR 2199.

Humanitarian impact

6. Sanctions measures under the Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

7. The UN obligations implemented by the Regulations are unchanged and the Minister considers the Regulations remain appropriate for the purpose of implementing those obligations.

05/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions)
(EU Exit) Regulations 2020
Annual Review under section 30 of the Sanctions and Anti-Money Laundering
Act 2018

SUMMARY

- The sanctions regime established by the Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) seeks to address unauthorised drilling activity in the Eastern Mediterranean.
- The policy intention is that sanctions remain in place until there is no risk, current or future, of further unauthorised drilling activity in the Eastern Mediterranean.
- The Government’s assessment is that the risk regarding unauthorised drilling activity in the Eastern Mediterranean remains, despite positive developments since the Regulations were laid.
- The 2020 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands.

The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020

1. The Unauthorised Drilling Activities in the Eastern Mediterranean (Sanctions) (EU Exit) Regulations 2020 (“the 2020 Regulations”) were made on 7 December 2020, laid before Parliament on 11 December 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - m) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - n) whether there are good reasons to pursue that purpose, and
 - o) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations, as set out in regulation 4 of the Regulations, are *“to discourage any hydrocarbon exploration, production or extraction activities which have not been authorised by the Republic of Cyprus in its territorial sea or in its exclusive economic zone or on its continental shelf including, in cases where the exclusive economic zone or continental shelf has not been delimited in accordance with international law with a State having an opposite coast, activities which may jeopardise or hamper the reaching of a delimitation agreement”*.

Designations

3. There are no designations under the 2020 Regulations.

Whether carrying out the purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes is: in the interests of international peace and security (Section 1(2)(c)); furthers a foreign policy objective of the government of the United Kingdom (Section 1(2)(d)); and promotes respect for democracy, the rule of law and good governance (Section 1(2)(i)).
5. The UK continues to recognise the sovereign right of the Republic of Cyprus to exploit the oil and gas in its internationally agreed Exclusive Economic Zone. The position of the UK is that, in line with customary international law as reflected in the UN Convention on the Law of the Sea (UNCLOS), exploratory drilling should not proceed in an area where delimitation has not been agreed between States with opposite or adjacent coasts where that drilling activity could undermine the reaching of a final delimitation agreement. Where appropriate, targeted sanctions can be used to send a clear signal that the UK opposes unauthorised drilling and the violation of other States' sovereignty which creates international tension and may hamper the reaching of final agreement on delimitation of the continental shelf or exclusive economic zone, as set out in the UN Convention on the Law of the Sea.
6. This is consistent with the UK's strong engagement in the region and support for efforts to de-escalate tensions, urging all partners in the Eastern Mediterranean to prioritise opportunities for dialogue and pursue de-escalation. The UK has spoken to all parties in these terms and will continue to do so.

Whether there are good reasons for pursuing these purposes

7. There are good reasons for pursuing these purposes, namely to continue to deter, and provide accountability for, unauthorised drilling activities in the Eastern Mediterranean. While there has been some de-escalation of international tensions in the Eastern Mediterranean since the Regulations were laid, there continues to be a risk of a resumption of unauthorised drilling activities, which would be likely to increase international tensions in the region. In this context, the Regulations help to discourage a resumption of unauthorised drilling activities and support the conditions for continued prioritisation of dialogue between parties. The UK continues to support efforts to de-escalate tensions further, including through United Nations-led discussions of a Cyprus Settlement and bilaterally with all partners in the Eastern Mediterranean.

Why imposition of sanctions is a reasonable course of action for these purposes

8. The imposition of prohibitions and requirements of the kind imposed by the 2020 Regulations is a reasonable course of action for the purpose of deterring, and providing accountability for, unauthorised drilling activities in the Eastern Mediterranean. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue and appropriate to the purposes they are intending to achieve.
9. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals around supporting efforts to reach delimitation agreements and regional stability. The UK has engaged, and continues to engage bilaterally with all partners in the Eastern Mediterranean. The UK will continue to work alongside international partners, including the EU and UN, to support efforts to de-escalate international tensions in the Eastern Mediterranean and help resolve the underlying issues.

Humanitarian impact

10. Sanctions measures under the 2020 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

11. The Minister considers that carrying out the purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
12. The Minister considers the Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
13. The policy intention is that the sanctions regime remains in place until there is no foreseeable risk of a return to unauthorised activities that may escalate international tensions in the region.

08/11/21

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Venezuela (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Venezuela sanctions regime established by The Venezuela (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to address the continuing deterioration of democracy, the rule of law and human rights in Venezuela.
- The policy intention is that sanctions remain in place until the Maduro Regime demonstrates a change of behaviour, specifically in respect of the ongoing climate of repression, human rights violations, the lack of respect for democratic principles and institutions, the separation of powers and the rule of law, and the absence of good faith negotiations with political opponents in bringing about a peaceful solution to the political crisis in Venezuela.
- The situation in Venezuela has remained the same.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands.

The Venezuela (Sanctions) (EU Exit) Regulations 2019

1. The Venezuela (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 29 January 2019, laid before Parliament on 31 January 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - p) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - q) whether there are good reasons to pursue that purpose, and
 - r) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the 2019 Regulations, are as follows:
- (a) *to encourage the Government of Venezuela to respect democratic principles and institutions, the separation of powers and the rule of law in Venezuela;*
 - (b) *refrain from actions, policies or activities which repress civil society in Venezuela;*
 - (c) *participate in negotiations with its political opponents in good faith to bring about a peaceful solution to the political crisis in Venezuela;*
 - (d) *comply with international human rights law and to respect human rights, including in particular to—*
 - (i) *respect the right to life of persons in Venezuela;*
 - (ii) *respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Venezuela, including inhuman and degrading conditions in prisons;*
 - (iii) *respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Venezuela;*
 - (iv) *afford persons in Venezuela charged with criminal offences the right to a fair trial;*
 - (v) *afford journalists, human rights defenders and other persons in Venezuela the right to freedom of expression and peaceful assembly;*
 - (vi) *secure the human rights of persons in Venezuela without discrimination, in particular in relation to discrimination 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.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as of the date of this annual review	36
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within the following paragraphs:

(f) provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law, or respect for human rights; and

(i) promotes respect for democracy, the rule of law and good governance.

Whether there are good reasons for pursuing these purposes

5. There are good reasons for pursuing these purposes, namely to address the deterioration of democracy, the rule of law and human rights in Venezuela. The situation remains of serious concern to both the UK and the international community, as evidenced in various reports produced by the Organisation for American States (OAS),⁸⁴ the United Nations,^{85,86,87} and various NGOs.^{88,89,90,91,92} The reports consistently document the illegitimacy of the Constituent Assembly and the role of the Maduro Regime in undermining democratic processes and the rule of law, including the erosion of judicial independence and the rights to free and fair elections and to freedom of association. The reports also detail the commission of serious human rights violations or abuses, and the repression of civil society and democratic opposition in

⁸⁴ https://www.oas.org/en/media_center/press_release.asp?sCodigo=S-023/20

Report from the Organisation of American States (OAS) detailing human rights violations in Venezuela and the impact of inaction by the ICC Prosecutor, 2 December 2020.

⁸⁵ https://www.ohchr.org/documents/HRBodies/HRCouncil/FFMV/A_HRC_45_CRP.11.pdf

Independent International Fact-Finding Mission on Venezuela report, 16 September 2020

⁸⁶ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26872&LangID=E>

Statement by Marta Valiñas, Chairperson of the Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela at the 46th Session of the Human Rights Council, 10 March 2021

⁸⁷ <https://undocs.org/A/HRC/RES/45/20>

Resolution from the United Nations Human Rights Council, which extends the IIFFM's mandate for a further two years.

⁸⁸ <https://www.hrw.org/news/2020/07/07/venezuela-rulings-threaten-free-and-fair-elections>

Press release from Human Rights Watch in to the lack of independence of the Venezuelan judiciary and its impact on democracy, 7 July 2020

⁸⁹ <http://www.heartsonvenezuela.com/venezuela-police-forces-killed-more-people-than-criminal-organizations-in-2020/>

Report by civil society group Hearts on Venezuela on level of police violence in Venezuela, 12 January 2021

⁹⁰ <https://centrodefensores.org.ve/wp-content/uploads/2021/07/InformeCDJ-PrimerSemestre2021.pdf> Report by Center for Defenders and Justice (CDJ), a human rights NGO, into human rights violations in the first quarter of 2021

⁹¹ <https://www.heartsonvenezuela.com/civil-society-organizations-declare-their-resounding-rejection-and-demand-the-repeal-of-the-new-registration-measure-for-terrorism-and-other-crimes-in-venezuela/>

Report by civil society group Hearts on Venezuela describing the impact of recent legislation on civil society group within Venezuela, 20 April 2021

⁹² <https://www.hrw.org/news/2021/04/19/venezuela-must-cease-repression-civil-society>

Statement from Human Rights Watch on the Maduro Regime's attempts to repress civil society

Venezuela – specifically brutal treatment of protestors and opposition leaders. The UK shares concerns over these same issues.

6. There is concern that the Maduro Regime frequently violates the Constitution of Venezuela, which has a detrimental effect on the rights of Venezuelan people, undermines democracy and is leading to further polarisation. Venezuelans can be subject to arbitrary detention, detention without trial, torture, and/or extrajudicial killings. According to OAS and UN reporting, protests have been banned on occasion and government law enforcement units have responded violently to demonstrations by thousands of opposition supporters. The Maduro Regime is continuing its repression against opponents or individuals perceived to be enemies. These include the detention, harassment and intimidation of protesters, journalists and the independent press, and the targeting of individuals and Non-Governmental Organisations engaged in humanitarian and/or human rights activities. New legislation has also been introduced to restrict, intimidate, and monitor the activities of NGOs and human rights defenders.
7. The international community has legitimate concerns that the Maduro Regime is no longer accountable to its citizens. The Venezuelan Supreme Court is no longer independent, but is controlled by the regime. The regime often represses opposition leaders.
8. There have been a number of attempts at negotiations between the Venezuelan opposition and the Maduro Regime. However, the regime has a history of negotiating in bad faith. The most recent attempt at negotiations between the Guaido-led opposition and the Maduro Regime began in August 2021 facilitated by Norway. Maduro suspended regime participation in the talks following the extradition of Alexander Saab in October 2021. The regime is likely to offer minimum concessions to the opposition in return for the lifting of US sanctions.
9. The Maduro Regime continues to subvert democracy and the rule of law and to violate its international human rights obligations, and the UK is at the forefront of international efforts to incentivise the regime to change. The UK does this by applying pressure on those responsible for serious human rights violations and/or responsible for undermining democracy and the rule of law. Sanctions are a useful tool to encourage the Maduro Regime to negotiate with the Venezuelan opposition in good faith.

Why imposition of sanctions is a reasonable course of action for these purposes

10. The imposition of prohibitions and requirements of the kind imposed by these Regulations is a reasonable course of action for the purpose of encouraging the Maduro Regime to respect democratic principles, comply with international human rights law and to respect human rights.
11. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
12. The gravity of the political crisis in Venezuela means that keeping sanctions in place is a reasonable measure to take. Targeted sanctions against those responsible for undermining democracy and the rule of law are deemed to be a reasonable measure to take in response to ongoing events. There is evidence that sanctions have caused regime figures to change their travel plans. Sanctions are one part of the sustained international pressure on the issue.
13. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in Venezuela. Sanctions operate alongside diplomatic efforts to encourage the Maduro Regime to engage in meaningful dialogue with the Opposition in good faith and to cease the commission of human rights violations. Previous diplomatic efforts have been so far unsuccessful in isolation and the UK is therefore combining sanctions with lobbying through international frameworks and will continue to work with partners including the EU, USA, and Canada.
14. The policy intention is that sanctions remain in place until the Maduro Regime demonstrates a change of behaviour, specifically in respect of the ongoing climate of repression, human rights violations, the lack of respect for democratic principles and institutions, the separation of powers and the rule of law, and the absence of good faith negotiations with political opponents in bringing about a peaceful solution to the political crisis in Venezuela. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these Regulations, or via independent reporting on the status of dialogue between the Maduro Regime and the Venezuelan opposition.

The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

15. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds so that a licence may be granted for the export, making available, transfer, supply or delivery of non-lethal military goods or technology if the goods or technology are intended solely for humanitarian assistance activities or for protective use. A licence may be granted for the provision of technical assistance, brokering services, financial services and funds relating to military goods or technology if the technical assistance, financial services, funds or brokering services relate to non-lethal military goods or technology that are intended solely for humanitarian assistance activities or for protective use. A licence may also be granted for the export, making available, transfer, supply or delivery of goods or technology which might be used for internal repression if the goods or technology are intended solely for humanitarian or protective use.

Conclusion

16. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
17. The Minister considers the 2019 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
18. The policy intention is that sanctions remain in place until the Maduro Regime demonstrates a change of behaviour, specifically in respect of the ongoing climate of repression, human rights violations, the lack of respect for democratic principles and institutions, the separation of powers and the rule of law, and the absence of good faith negotiations with political opponents in bringing about a peaceful solution to the political crisis in Venezuela.

19. HMG's position, and that of its international partners, is that for there to be an improvement in the situation within Venezuela, a credible and inclusive dialogue with the political opposition would need to be established with free and fair presidential and legislative elections, as well as full cooperation with UN investigations and regional human rights mechanisms and ending the ongoing repression of human rights and fundamental freedoms. Only these steps can halt the ongoing crisis and lead to a peaceful and democratic resolution of the ongoing crisis in Venezuela.

11/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The situation the sanctions regime established by The Yemen (Sanctions) (EU Exit) (No 2) Regulations 2020 (“the 2020 Regulations”) seeks to address is the instability in Yemen and to promote the peace, security and stability of Yemen, including the peaceful resolution of conflict and a Yemeni led political transition.
- The situation in Yemen has remained the same since the 2020 Regulations were laid with the Houthis continuing not to engage with the UN-led process and instead continuing their military offensives.
- The 2020 Regulations implement the obligations in UN Security Council Resolutions 2140 of 2014 and 2216 of 2015, namely to impose asset freezes on designated persons as well as imposing a targeted arms embargo.
- The policy intention is that sanctions remain in place until the UK Government is assured that there has been an improvement in the areas of concern outlined in the purposes of these Regulations.
- The Minister has therefore decided to take no action in respect of the 2020 Regulations.

The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020

1. The Yemen (Sanctions) (EU Exit) (No. 2) Regulations 2020 (“the 2020 Regulations”) were made on 12 November 2020, laid before Parliament on 16 November 2020 and came into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the 2020 Regulations to review whether the 2020 Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review must also include consideration of –
 - s) Whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - t) Whether there are good reasons to pursue that purpose, and
 - u) Whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2020 Regulations

2. The purposes of the 2020 Regulations as set out in regulation 4 of the 2020 Regulations, are as follows:

- (a) compliance with the relevant UN obligations⁹³, and*
- (b) the additional purposes mentioned in paragraph (2).*

(2) Those additional purposes are—

- (a) promoting the peace, stability and security of Yemen,*
- (b) promoting the political transition and peaceful resolution of armed conflicts in Yemen, including, in particular—*
 - (i) the completion of the political transition as outlined in the Gulf Cooperation Council Initiative and the Implementation Mechanism Agreement, and*
 - (ii) the implementation of the final report of the comprehensive National Dialogue Conference,*
- (c) promoting respect for humanitarian assistance activities in Yemen,*
- (d) promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Yemen,*
- (e) promoting respect for human rights in Yemen, including, in particular, respect for—*
 - (i) the right to life of persons in Yemen;*
 - (ii) the right of persons in Yemen not to be held in slavery or required to perform forced or compulsory labour;*
 - (iii) the right of persons not to be subjected to cruel, inhuman or degrading treatment or punishment in Yemen;*
 - (iv) the right to liberty and security of persons in Yemen, including freedom from arbitrary arrest, unlawful detention or enforced disappearance;*
 - (v) the right to a fair trial of persons charged with criminal offences in Yemen;*
 - (vi) the enjoyment of rights and freedoms in Yemen 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.*

⁹³ As defined in the 2020 Regulations.

Designations

3. The status of designations under the 2020 Regulations is as set out in the following tables.

UN designations

Total number of designations as of 10 August 2021	6
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UK designations

Total number of designations as of 10 August 2021	0
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Review of the 2020 Regulations

4. Since the last annual review of the 2020 Regulations the Security Council of the United Nations has adopted UNSCR 2645 on 25 February 2021 which renews the sanctions obligations implemented by the 2020 Regulations. The UN obligations are unchanged.
5. As the 2020 Regulations continue to ensure the UK complies with its UN obligations, they remain in this regard appropriate for their purposes.

Whether carrying out the non-UN purposes of the 2020 Regulations meets one or more of the conditions in paragraphs (a) to (i) or section 1(2) of the Sanctions Act

6. Carrying out these discretionary purposes meets one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Act. In particular carrying out these purposes falls within the purpose of paragraphs (c), as it is in the interests of international peace and security; (d), as it furthers a foreign policy objective of the government of the United Kingdom; (e), as it promotes the resolution of armed conflicts or the protection of civilians in conflict zones; (f), as it provides accountability for or is a deterrent to gross violations of human rights, or otherwise promotes compliance with international human rights law or respect for human rights; (g), as it promotes compliance with international humanitarian law and (i), promotes respect for democracy, the rule of law and good governance.
7. The conflict in Yemen is ongoing, the humanitarian situation is worsening and the Yemeni economy is rapidly deteriorating. The Houthis have increased military activity. In October 2021, the UNSC issued a press statement on Yemen that condemned the

Houthi incursions into Marib and cross-border attacks on KSA, as unacceptable. This followed fighting in Marib in September that resulted in the deaths of 156 Houthis.⁹⁴ Houthi incursions have increased throughout the first half of 2021. Whilst this continues, it will be difficult to agree a political settlement in the near term.

Whether there are good reasons for pursuing these purposes

8. There are good reasons for pursuing these purposes namely to address the instability, ongoing international humanitarian crisis and human rights abuses and violations taking place in Yemen in contravention of Yemen's international human rights obligations. The situation remains of serious concern to both the UK and the international community, as evidenced by the United Nations Office for the Coordination of Humanitarian Affairs⁹⁵ and in reports to the United Nations 2140 Sanctions Committee (Yemen).⁹⁶ Severe restrictions on movement imposed by parties continue to impact the distribution of humanitarian aid including food, water and health supplies. The United Nations has verified the recruitment and use of more than 3,000 children by all parties to the conflict since the conflict began.⁹⁷ The UK shares concerns over these same issues and reinforces the urgent need for a political solution to end the conflict.
9. Religious minorities face restrictions and discrimination for peacefully manifesting their beliefs. Members of the Baha'i faith in particular were persecuted and imprisoned. Cases of arbitrary detention and the abuse of detainees from the Baha'i community were reported. More widely arbitrary disappearances and the use of torture were reported across Yemen. Credible reporting allege the Houthis subjected prisoners to torture and arbitrary detention.
10. On continued recruitment of child soldiers by a number of armed groups in Yemen, reports state that children as young as ten were manning Houthi checkpoints.⁹⁸ Women continue to be victims of sexual and gender-based violence and disproportionately affected by protracted displacement. The issue of freedom of speech remains a concern. Journalists and human rights defenders have faced threats and abuse, as well as detention.

⁹⁴ <https://english.alarabiya.net/News/gulf/2021/10/11/Fighting-south-of-Yemen-s-Marib-results-in-156-Houthi-deaths-Arab-coalition>

⁹⁵ <https://www.un.org/press/en/2021/sc14470.doc.htm>

⁹⁶ <https://undocs.org/en/S/2021/79>

⁹⁷ <https://www.reuters.com/world/middle-east/yemens-children-toil-dangerous-work-not-school-2021-08-09/>

⁹⁸ <https://euromedmonitor.org/uploads/reports/childrenyemenrepen.pdf>

Why imposition of sanctions is a reasonable course of action for these purposes

11. Yemen's current situation as the world's worst humanitarian crisis⁹⁹ means that the continued imposition of sanctions is reasonable for promoting peace and stability in Yemen. The current crisis in Yemen demonstrates the continuing need to pursue this purpose.
12. The imposition of financial sanctions (including asset freezes), immigration sanctions (travel bans) and trade sanctions (targeted arms embargo) of the kind imposed by the 2020 Regulations (other than those required for compliance with the UK's UN obligations) is a reasonable course of action for the purpose of a. promoting the peace, stability and security of Yemen, b. promoting the political transition and peaceful resolution of armed conflicts in Yemen, c. promoting respect for humanitarian assistance activities in Yemen, d. promoting compliance with the rules of international humanitarian law applicable to the armed conflicts in Yemen, and e. promoting respect for human rights in Yemen.
13. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
14. The gravity of the conflict and human rights situation in Yemen means that putting sanctions in place is a reasonable measure to take. Since 2015, the conflict in Yemen has had a devastating effect on the lives of Yemenis. The conflict has killed and injured thousands of civilians. Serious violations of international humanitarian law have been committed, including the conflict related sexual violence, using arbitrary detention, enforced disappearance and torture and other ill-treatment. Whilst the conflict persists, the UK continues to urge all parties to protect civilians and respect international law and support the use of sanctions against perpetrators. We support efforts to hold those responsible for these acts to account and to prevent them from occurring.
15. These sanctions are not an end in themselves. They are one element of a broader strategy to achieve the UK's foreign policy goals in Yemen. Direct lobbying alone is not sufficient. The UK is therefore combining sanctions with bilateral lobbying, lobbying

⁹⁹ <https://www.gov.uk/government/speeches/after-six-years-of-war-the-people-of-yemen-are-still-suffering-from-the-worlds-worst-humanitarian-crisis>

through international frameworks, supporting UN resolutions and supporting the UN Special Envoy.

16. The policy intention is to keep the sanctions on Yemen in place until the UK Government is assured that there has been sufficient positive behaviour change over a sustained period of time. This position may be reached by evidence of some concrete steps having been taken that shows an improvement in the areas of concern outlined in the purposes of the 2020 Regulations, for example steps taken towards a meaningful political process and ceasefire and compliance with international human rights law and respect for human rights. This may also be evidenced by, for example, the Special Envoy for Yemen reporting that he no longer believes his mandate is necessary. The UK will continue to coordinate with international partners, including on the future of the sanctions regime.

Humanitarian impact

17. Sanctions measures under the 2020 Regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised. The sanctions regime includes licensing grounds to enable anything to be done in connection with the performance of any humanitarian assistance activity or any activity whose purpose is consistent with the objectives of resolution 2140 or resolution 2216.

Conclusion

18. The UN obligations implemented by the 2020 Regulations are unchanged and the Minister considers the 2020 Regulations remain appropriate for the purpose of implementing those obligations.

19. The Minister considers that carrying out the non-UN purposes of the 2020 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.

20. The Minister considers the 2020 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.

21. The policy intention is that sanctions remain in place until the UK Government is assured that there has been sufficient positive behaviour change over a sustained period of time. This position may be reached by evidence of some concrete steps having been taken that

shows an improvement in the areas of concern outlined in the purposes of the Regulations, for example steps taken towards a meaningful political process and ceasefire and compliance with international human rights law and respect for human rights.

22. The UK will consider that the situation has improved when there is meaningful engagement between the conflict parties towards a political solution and/or a national ceasefire agreed.

12/11/2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, the UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**

The Zimbabwe (Sanctions) (EU Exit) Regulations 2019

Annual Review under section 30 of the Sanctions and Anti-Money Laundering Act 2018

SUMMARY

- The Zimbabwe sanctions regime established by The Zimbabwe (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) seeks to improve the situation in Zimbabwe with regards to democracy, human rights and the rule of law.
- The policy intention is that sanctions remain in place until the UK Government is confident that the Government of Zimbabwe respects democratic principles and institutions and the rule of law in Zimbabwe; refrains from actions, policies or activities which repress civil society in Zimbabwe; and complies with international human rights law and respects human rights.
- The situation in Zimbabwe has remained unchanged.
- The 2019 Regulations remain appropriate for their purposes.
- The Minister has therefore decided to maintain the regime as it stands.

The Zimbabwe (Sanctions) (EU Exit) Regulations 2019

1. The Zimbabwe (Sanctions) (EU Exit) Regulations 2019 (“the 2019 Regulations”) were made on 19 March 2019, laid before Parliament on 20 March 2019 and came fully into force on 31 December 2020. Section 30 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) requires the appropriate Minister who made the Regulations to review whether the Regulations are still appropriate for the purpose stated in them under section 1(3). If the purpose stated is a purpose other than compliance with a UN obligation or other international obligation, any review under section 30 must also include consideration of –
 - v) whether carrying out that purpose would meet any one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act,
 - w) whether there are good reasons to pursue that purpose, and
 - x) whether the imposition of sanctions is a reasonable course of action for that purpose.

Purposes of the 2019 Regulations

2. The purposes of the 2019 Regulations, as set out in regulation 4 of the 2019 Regulations, are as follows:

The purposes of the regulations contained in this instrument that are made under section 1 of the Act are to encourage the Government of Zimbabwe to—

- a) respect democratic principles and institutions and the rule of law in Zimbabwe;*
- b) refrain from actions, policies or activities which repress civil society in Zimbabwe;*
- c) comply with international human rights law and to respect human rights, including in particular, to—*
 - i. respect the right to life of persons in Zimbabwe;*
 - ii. respect the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in Zimbabwe, including inhuman and degrading conditions in prisons;*
 - iii. afford journalists, human rights defenders and other persons in Zimbabwe the right to freedom of expression and peaceful assembly;*
 - iv. respect the right to liberty and security, including refraining from the arbitrary arrest and detention of persons in Zimbabwe;*
 - v. afford persons in Zimbabwe charged with criminal offences the right to a fair trial;*
 - vi. respect property rights in Zimbabwe;*
 - vii. secure the human rights of persons in Zimbabwe without discrimination, in particular in relation to discrimination 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.*

Designations

3. The status of designations under the 2019 Regulations is as set out in the following table:

Total number of designations as at the date of this annual review	5
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Whether carrying out the purposes of the 2019 Regulations meets one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act

4. Carrying out these purposes meets one or more of the conditions set out in paragraphs (a) to (i) of section 1(2) of the Sanctions Act. In particular, carrying out these purposes falls within sub paragraph (f), in that it promotes compliance with

international human rights law and respect for human rights, and sub paragraph (i) in that it promotes respect for democracy, the rules of law and good governance.

5. The human rights situation in Zimbabwe has not fundamentally improved since the last annual review in March 2020. The human rights monitoring group, Zimbabwe Peace Project, recorded 2,825 human rights violations in 2020, similar to the total in 2019.
6. In May 2020 incidents included the self-reported abduction, torture and sexual assault of opposition Movement of Democratic Change Alliance party members Joana Mamombe MP, Cecilia Chimbiri and Netsai Marova. They were arrested after police took them in for questioning over organising a demonstration in violation of COVID-19 regulations. The Government of Zimbabwe continued to deny involvement, instead pointing to actions by an unspecified 'third force', or attempting to discredit those who reported violations. There was little evidence of sustained and impartial investigations by law enforcement officers¹⁰⁰.
7. In July 2020, security forces took pre-emptive and heavy-handed action to prevent large-scale protests. The authorities detained opposition politicians and journalists for encouraging participation in such protests, and there were ongoing legal proceedings against journalist Hopewell Chin'ono, and opposition politicians Job Sikhala and Jacob Ngarivhumeat at the end of March 2021. The Government of Zimbabwe has also still not implemented the Commission of Inquiry's recommendations¹⁰¹ following the violence on 1 August 2018, when members of the Zimbabwean security services opened fire on protesters, killing six people. This was an important indicator of a lack of political will to hold key state and military officials accountable, either for the events in August 2018 or for the violations committed by security services in the January 2019 crackdown. The latter resulted in the deaths of 17 people, with reports of rape and door-to-door raids by the Zimbabwean security services.

Whether there are good reasons for pursuing these purposes

8. There are good reasons for pursuing these purposes. The human rights situation in Zimbabwe remains a concern at the time of this annual review, as described in paragraph 5 above.

¹⁰⁰<https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe/>

¹⁰¹ The Commission concluded that the use of live ammunition on civilians was "clearly unjustified and disproportionate"

Why imposition of sanctions is a reasonable course of action for these purposes

9. The imposition of prohibitions and requirements of the kind imposed by the 2019 Regulations is a reasonable course of action for the purpose of encouraging the Government of Zimbabwe and others who may be involved in political or human rights violations or abuses to respect democratic principles and institutions and the rule of law in Zimbabwe; refrain from actions, policies or activities which repress civil society in Zimbabwe; and comply with international human rights law and respect human rights.
10. Sanctions can be used to change behaviour; constrain damaging action; or send a signal of condemnation. The UK Government believes sanctions can be an effective and reasonable foreign policy tool if they are one part of a broader foreign policy strategy for a country or thematic issue, and are appropriate to the purposes they are intending to achieve.
11. These sanctions are not an end in themselves. The ongoing human rights situation in Zimbabwe means that maintaining sanctions is a reasonable measure to take. They send a powerful signal intended to drive behavioural change by the Government of Zimbabwe and others who may be involved in political or human rights violations or abuses.

Humanitarian impact

12. Sanctions measures under the regulations are carefully targeted. The UK seeks to ensure that any potential unintended consequences of sanctions, including any humanitarian impact, are minimised.

Conclusion

13. The Minister considers that carrying out the purposes of the 2019 Regulations continues to meet one or more of the conditions set out in paragraph (a) to (i) of section 1(2) of the Sanctions Act.
14. The Minister considers the 2019 Regulations are still appropriate for those purposes, there are good reasons to pursue those purposes, and the imposition of sanctions is a reasonable course of action for those purposes.
15. The policy intention is that sanctions remain in place until the UK Government is confident that the Government of Zimbabwe respects democratic principles and institutions and the rule of law in Zimbabwe; refrains from actions, policies or activities

which repress civil society in Zimbabwe; and complies with international human rights law and respects human rights.

16. This position may be reached by evidence of some concrete steps having been taken that show an improvement in the areas of concern outlined in the purposes of these 2019 Regulations, or via independent reporting. This would include a significant reduction in reports of human rights violations by credible NGOs. The UK Government will continue to co-ordinate with international partners such as the US and the EU, including on the future of the sanctions regime.

29 October 2021

Lord Ahmad of Wimbledon

**Minister of State for South Asia, The UN and the Commonwealth, Foreign,
Commonwealth and Development Office, on behalf of the Secretary of State for
Foreign, Commonwealth and Development Affairs**



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