

EXPLANATORY MEMORANDUM TO
THE UZBEKISTAN (RESTRICTIVE MEASURES) (OVERSEAS
TERRITORIES) ORDER 2006

2006 No. 310

1. This Explanatory Memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order implements EU restrictive measures against Uzbekistan.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative background

4.1 In November 2005 the Council of the European Union adopted Common Position 2005/792/CFSP (“the Common Position”) on restrictive measures against Uzbekistan. This includes a prohibition on: (a) the delivery or supply of arms and related material to Uzbekistan from Member States’ territories, by their nationals, or using their flagged vessels and aircraft; (b) the provision of technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related material to any person, entity, or body in, or for use in Uzbekistan; (c) the provision of financing or financial assistance related to military activities to any person, entity or body, in or for use in, Uzbekistan.

4.2 This Order will implement these restrictive measures in the territories listed in 5.1 below. Bermuda adopts its own legislation to implement the EU Common Position as the UK does not have power to legislate for Bermuda in this respect. Gibraltar is covered by the relevant EC Regulation (Council Regulation (EC) No 1859/2005 of 14 November 2005) and takes its own action to provide penalties for breach of the EC Regulation.

4.3 The Common Position also imposes a travel ban on certain named individuals listed in the Annex II of the Common Position. This will be implemented administratively by the territories.

4.4 This Order is made pursuant to section 112 of the Saint Helena Act 1833 (1833 c.85), the British Settlements Acts 1887 and 1945 (1887 c.54 and 1945 c.7), and prerogative powers.

5. Extent

5.1 This Order applies to the following territories: Anguilla, British Antarctic Territory, British Indian Ocean Territory, Cayman Islands, Falkland Islands, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St Helena and Dependencies, South Georgia and the South Sandwich Islands, the Sovereign Base Areas of Akrotiri and Dhekelia in the island of Cyprus, Turks and Caicos Islands and the Virgin Islands. All the territories were consulted.

6. European Convention on Human Rights

6.1 As the Order is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The UK fully supports the EU measures against Uzbekistan deemed necessary by the European Council in light of the continuing refusal of the Uzbek authorities to allow an independent inquiry into the reported excessive, disproportionate and indiscriminate use of force by the Uzbek security forces in Andizhan in May 2005. These measures are targeted at arms and related material and equipment which might be used for internal repression, those individuals directly responsible for the use of indiscriminate and disproportionate use of force in Andizhan and include a suspension of technical meetings under the Partnership and Co-operation Agreement with Uzbekistan. The measures are applicable for an initial period of one year. The European Council will review the measures in light of any significant developments in the meantime.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

9. Contact

Abda Sharif at the Foreign and Commonwealth Office Tel: 020 7008 4426 or email: Abda.Sharif@fco.gov.uk can answer any queries regarding the instrument.

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