

**THE SANCTIONS (EU EXIT) (MISCELLANEOUS AMENDMENTS) (NO. 5)
REGULATIONS 2020**

**REPORT UNDER SECTION 46 OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018**

1. This is a report under section 46 of the Sanctions and Anti-Money Laundering Act 2018 (“the Sanctions Act”) in relation to the Sanctions (EU Exit) (Miscellaneous Amendments) (No.5) Regulations 2020. When new Regulations are made under section 45 of the Sanctions Act to amend sanctions regulations that have been made under section 1 of the Sanctions Act, and the regulations being amended state a purpose other than compliance with a UN or other international obligation (i.e. discretionary purposes in section 1(2) of the Sanctions Act), the Minister making the new regulations must lay before Parliament a report under section 46(2) of the Sanctions Act which explains why the Minister is of the opinion mentioned in section 45(2)(b) of the Sanctions Act, namely that:
 - the Minister considers that carrying out the purposes of the Regulations would meet one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Sanctions Act;
 - the Minister considers that there are good reasons to pursue that purpose;
 - the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose.
2. The Sanctions (EU Exit) (Miscellaneous Amendments) (No. 5) Regulations 2020 are made under the Sanctions Act to make corrections to the Mali (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/705) and the Afghanistan (Sanctions) (EU Exit) Regulations 2020 (S.I. 2020/948).
3. The purpose of this instrument is to correct specific errors that have been identified in the sanctions Regulations that have already been made.
4. Section 2(4) of the Sanctions Act requires reports to be laid before Parliament explaining why the appropriate Minister making Regulations under section 1 of the Sanctions Act considers that carrying out each of the discretionary purposes of the Regulations would meet one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Sanctions Act, why the Minister considers that there are good reasons to pursue that purpose, and why the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose i.e. the same criteria as those under section 45(2)(b) of the Sanctions Act. The report for the Mali (Sanctions) (EU Exit) Regulations 2020 was completed and laid before Parliament alongside the Regulations on 9 July 2020.

5. Annual reviews under section 30 of the Sanctions Act, examining whether the sanctions Regulations were still appropriate for the purposes stated in them, are required for those Regulations laid in the period January – April 2019 which were subsequently brought into force. The Mali (Sanctions) (EU Exit) Regulations were laid on 9 July 2020 but no part of them has yet been brought into force. Therefore no review has yet been conducted.
6. The Afghanistan (Sanctions) (EU Exit) Regulations 2020 are for the purpose of compliance with a UN obligation. There are no discretionary purposes and therefore no section 46 report is required in relation to the amendments of those Regulations.
7. A summary of the conclusions relating to the discretionary purposes of the Section 2 report for the Mali sanctions regimes is below, together with an assessment of the current situation for the purposes of this section 46 report.

The Mali (Sanctions) (EU Exit) Regulations 2020

8. **Section 2 report, laid before Parliament on 9 July 2020:** The report stated that the discretionary purposes of the Regulations were promoting: the peace, stability and security of Mali; the implementation of the Agreement on Peace and Reconciliation in Mali; 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; the effective delivery of the mandates of the international security, peace-support and capacity-building missions in Mali; respect for humanitarian assistance activity in Mali; compliance with the rules of international humanitarian law applicable to the armed conflicts in Mali; and respect for human rights in Mali.
9. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Sanctions Act. It also considered that there were good reasons for pursuing those 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. An effective use of the sanctions regime not only identifies, and curtails the activities of those who are 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 Mali. 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 use of children in armed conflict, as well as supporting efforts by the international community to promote respect for human rights within Mali, which is a key UK policy objective.
10. **Annual review:** No annual review has been carried out as the Mali (Sanctions) (EU Exit) Regulations are not yet in force.

11. **Current assessment:** Since the completion of the section 2 report, the position has not changed. The policy intention is to keep sanctions on Mali in place until there has been evidence of concrete improvement in the areas of concern outlined in the purposes of these Regulations. The Foreign, Commonwealth and Development Office 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.

12. For the reasons set out in the section 2 report, carrying out the purposes of the Regulations meets one or more of the conditions in section 1(2) of the Sanctions Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

Lord Ahmad of Wimbledon

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