

Government's position on post-Brexit sanctions policy criticised

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The Foreign Affairs Committee says the government's position on sanctions post-Brexit remains unclear, fragmented and incoherent, and could affect national security. In a report on the future of UK sanctions policy, members of the committee expressed concern that little high-level thought appears to have gone into considering the future of UK sanctions policy, despite the fact that most UK economic and financial sanctions are agreed and implemented by the EU. Brexit will therefore necessitate considerable change as to how the UK will implement its sanctions policy. Michael O'Kane, senior partner at Peters & Peters, Joanna Dimmock, partner at White & Case, and Gavin Irwin, barrister at 2 Hare Court comment on the committee's report.

The authors of the report recommend that:

- the National Security Council (NSC) begin an urgent review of UK sanctions policy with internal and external stakeholders, to report to parliament by end of 2019
- the government appoint a senior responsible officer for sanctions policy across government departments, who will be personally accountable to the NSC
- the Foreign and Commonwealth Office (FCO) set out its position on Magnitsky sanctions before the end of June 2019
- support be given to the Treasury Select Committee's recent call on the government to complete and publish a review of the Office of Financial Sanctions Implementation before the end of 2019

Competing priorities

According to O'Kane, the committee 'is clearly concerned to ensure that enough expert analysis goes into producing a coherent post Brexit national sanctions strategy'. He also notes that the FCO 'has been very busy preparing for Brexit but not post-Brexit'. As 'industry, NGOs and experts are already engaged in such a project, led by the Royal United Services Institute', O'Kane believes it prudent that 'the government...engage fully with this effort'.

Dimmock argues that the Sanctions and Anti-Money Laundering Act 2018—which will allow UK sanctions to continue uninterrupted post-Brexit—'has the potential to be a powerful tool, allowing the UK to leverage its position as a global financial centre to give its sanctions real force, even after Brexit'. However, for this to happen, 'the UK will need a clear strategy and willingness to make full use of available powers', especially if 'the UK is to effectively co-ordinate with the EU and US, as it will need to do if its sanctions are to have maximum impact'. Dimmock notes that, 'given the competing priorities for the government, the prospect of the UK becoming "a global leader in sanctions policy" (as the report urges) may be some way off'.

Irwin believes it 'likely that the government will respond actively and positively to the report' given that it is 'highly critical. It cannot be fudged or denied, overlaps considerably with other national security and foreign policy considerations—most notably in anti-corruption and anti-money laundering strategies'.

However, he also notes that 'whether sufficient funds and/or other resources are made available to make a meaningful difference remains to be seen'. Indeed, Irwin contends that 'the simple reality of the lack of time available

to develop strong partnerships across government departments, in the midst of a continuing lack of clarity around the fundamentals of Brexit, will continue to complicate a coherent, prioritised approach’.

Source: [Fragmented and incoherent—the UK’s sanctions policy](#)

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