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STATE DECREE containing General Administrative Orders of April 11, 2024, amending the Interim State Decree on Priority Sanctions Regimes in connection with the insertion of a humanitarian exemption and supplementing Annex I concerning the entries for Sudan and Niger

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The Minister of General Affairs,
Innovation, Government Organization,
Infrastructure and Spatial Planning,
E.C. Wever-Croes

IN THE NAME OF THE KING!

THE GOVERNOR of Aruba,

Having considered:

- that in view of Regulation (EU) 2023/331 of the Council of the European Union of February 14, 2023, Regulation (EU) 2023/720 of the Council of the European Union of March 31, 2023 and Regulation (EU) 2023/2694 of the Council of the European Union of November 27, 2023, amending certain Council Regulations on restrictive measures in order to include provisions on humanitarian exemptions, it is desirable to insert a humanitarian exemption in the Interim State Decree on Priority Sanctions Regimes;
- that in this context it is also desirable, in the interests of the international legal order and the foreign policy of the Kingdom, to supplement Annex I to the Interim State Decree on Priority Sanctions Regimes with Regulation (EU) No. 2023/2147 of the Council of the European Union of October 9, 2023 and Decision (CFSP) 2023/2135 of the Council of the European Union of October 9, 2023 concerning restrictive measures in view of activities undermining the stability and political transition of Sudan;
- that furthermore it is also desirable to supplement the same Annex I with Regulation (EU) 2023/2406 of the Council of the European Union of October 23, 2023, and Decision (CFSP) 2023/2287 of the Council of the European Union of October 23, 2023, concerning restrictive measures in view of the situation in Niger;

Having regard to:

Articles 2 and 2a of the Sanctions State Ordinance 2006;

Having heard the Advisory Council, has decided:

Article I

The Interim State Decree on Priority Sanctions Regimes shall be amended as follows:

A in article 1, the following definition shall be inserted in alphabetical order:

Annex II : the list of designated countries to which the humanitarian exemption as referred to in article 2a applies;

B after article 2, the following article shall be inserted:

Article 2a

1. Article 2, first and second paragraphs, shall not apply to the provision of funds or other assets necessary to ensure the timely delivery of humanitarian assistance or to support other activities that meet basic human needs where such assistance and other activities are carried out by:
 - a. the United Nations, including its programs, funds, and other entities and bodies, as well as its specialized agencies and related organizations;
 - b. international organizations;
 - c. humanitarian organizations with observer status at the United Nations General Assembly and members of those humanitarian organizations;
 - d. bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plans, United Nations Refugee Response Plans, other United Nations appeals, or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;
 - e. organizations and agencies to which the European Union has granted the Humanitarian Partnership Certificate or which are certified or recognized by a Member State in accordance with national procedures;
 - f. specialized agencies of the Member States of the European Union; or

- g. the employees, beneficiaries, subsidiaries, or implementing partners of the entities referred to in subparagraphs a through f while and to the extent that they are acting in those capacities.
- 2. Without prejudice to the first paragraph, and by way of deviation from article 2, first and second paragraphs, the Minister may authorize the release of certain frozen funds or assets, or the provision of certain funds or assets, under conditions deemed appropriate by him, after the Minister has determined that the provision of such funds or assets is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that meet basic human needs.
- 3. If the Minister has not made a negative decision, requested information, or indicated that additional time is needed within ten working days after receipt of a request for authorization under the second paragraph, that authorization shall be deemed granted.
- 4. With due observance of the first paragraph through third paragraph, the countries inserted in Annex II shall be designated.
- 5. The Minister shall inform the Dutch Minister of Foreign Affairs of any authorizations granted under the second and third paragraphs within four weeks after having granted such authorization.

C Annex I shall be amended as follows:

- 1. in the table, in the alphabetical order of countries, the following entry for Sudan shall be inserted under the entry for Sudan:

	<p>The Annex to Decision (CFSP) 2023/2135 of the Council of the European Union of October 9, 2023, concerning restrictive measures in view of activities undermining the stability and political transition of Sudan (OJEU October 11, 2023, number 02135) <i>{Council Decision (CFSP) 2023/2135}</i></p> <p>Annex I to Regulation (EU) 2023/2147 of the Council of the European Union of October 9, 2023, concerning restrictive measures in view of activities undermining the stability and political transition of Sudan (OJEU October 11, 2023, number 02147) <i>{Council Regulation (EU) 2023/2147}</i></p>
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2. in the table, in the alphabetical order of countries, the following entry for Niger shall be inserted between the entries for Nicaragua and the Democratic People’s Republic of Korea:

Niger	<p>The Annex to Decision (CFSP) 2023/2287 of the Council of the European Union of October 23, 2023, concerning restrictive measures in view of the situation in Niger (OJEU October 24, 2023, number 02287) <i>{Council Decision (CFSP) 2023/2287}</i></p> <p>Annex I to Regulation (EU) 2023/2406 of the Council of the European Union of October 23, 2023, concerning restrictive measures in view of the situation in Niger (OJEU October 24, 2023, number 02406) <i>{Council Regulation (EU) 2023/2406}</i></p>
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- D after Annex D, the following new annex shall be inserted:

Annex II belonging to article 2a of the Interim State Decree on Priority Sanctions Regimes

Burundi
Central African Republic
Congo
Democratic People’s Republic of Korea
Guinea
Haiti
Iraq
Iran
Yemen
Lebanon
Libya
Mali
Myanmar/Burma
Nicaragua
Somalia
Sudan
Tunisia
Venezuela
Zimbabwe
South Sudan

Article II

This State Decree shall enter into force as of the day following the day of its publication in the Official Bulletin of Aruba.

Given in Oranjestad, April 11, 2024
J.A. Boekhoudt

The Minister of General Affairs, Innovation,
Government Organization, Infrastructure and Spatial Planning,
E.C. Wever-Croes

The Minister of Finance and Culture,
X.J. Maduro