

SENATE OF PAKISTAN



REPORT NO.30

**REPORT OF THE SENATE STANDING COMMITTEE ON
LAW AND JUSTICE**



“THE UNITED NATIONS (SECURITY COUNCIL) (AMENDMENT) BILL, 2020”

PRESENTED BY

Senator Muhammad Javed Abbasi

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE UNITED NATIONS (SECURITY COUNCIL) (AMENDMENT) BILL, 2020".

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The United Nations (Security Council) (Amendment) Bill, 2020" introduced by Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, on behalf of Makhdoom Shah Mahmood Qureshi, Minister for Foreign Affairs, in the Senate sitting held on 29th July, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member
6. Senator Manzoor Ahmed	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Hidayat Ullah	Member
11. Senator Walid Iqbal	Member
12. Senator Muhammad Ali Khan Saif	Member
13. Senator Musadik Masood Malik	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 30th July 2020, with the following in attendance:

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Zeeshan Khanzada	Member

5. Senator Sirajul Haq	Member
6. Senator Manzoor Ahmed	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Musadik Masood Malik	Member
9. Senator Dr. Ghous Muhammad Khan Niazi	Member
10. Senator Mustafa Nawaz Khokar	Member
11. Senator Hidayat Ullah	Member
12. Senator Walid Iqbal	Member
13. Senator Muhammad Ali Khan Saif	Member
14. Minister for Law and Justice	Ex-Officio Member
15. Senator Mushahid Hussain Syed	Special Invitee
16. Senator Abdul Rehman Malik	Special Invitee
17. Senator Kauda Babar	Special Invitee
18. Senator Mohsin Aziz	Special Invitee

4. The Committee took clause by clause reading of the Bill. After thorough deliberations, following amendment was proposed in the Bill:

- (i) **5. Delegation.-** The Federal Government may, by order, delegate to a **Pakistani person, entity or authority**, subject to such conditions as may be specified therein, all or any of the powers exercisable by it under this Act."

5. The Committee noted that the Bill is in national interest and is a part of legislative requirements for country's FATF-related commitments. Thereafter, Chairman Committee put the Bill to vote. With the above amendments, the Bill was passed unanimously. The Committee recommended that "The United Nations (Security Council) (Amendment) Bill, 2020" as reported by the Committee may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the House.

6. The Bill as reported by the Committee is at Annex-A, and the Bill as introduced in the Senate is at Annex-B.


(Haris Rehman)
 DS / Secretary Committee


(Senator Muhammad Javed Abbasi)
 Chairman

[AS REPORTED BY THE COMMITTEE]

A

BILL

further to amend the United Nations (Security Council) Act, 1948

WHEREAS It is expedient further to amend the United Nations (Security Council) Act, 1948 (XIV of 1948) for the purposes hereinafter appearing;

It is hereby enacted as under:-

1. Short title and commencement.- (1) This Act shall be called the United Nations (Security Council) (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment in section 2, Act XIV of 1948.- In the United Nations (Security Council) Act, 1948 (XIV of 1948), hereinafter referred to as the said Act, in section 2, the expression, "and without prejudice to the generality of the foregoing power, provision may be made for the punishment of persons offending against the order" shall be omitted.

3. Insertion of new sections, Act XIV of 1948.- In the said Act, after section 2, amended as aforesaid, the following new sections shall be added, namely:-

"3. Indemnity.- No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

4. Power to make rules.- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

5. Delegation.- The Federal Government may, by order, delegate to a **Pakistani person, entity or authority**, subject to such conditions as may be specified therein, all or any of the powers exercisable by it under this Act."

STATEMENT OF OBJECTS AND REASONS

The Implementation of the obligations of the resolutions adopted by the United Nations Security Council under Chapter VII of the United Nations Charter are fulfilled through the United Nations (Security Council) Act, 1948 (XIV of 1948). Under the said Act, the Federal Government passes orders directing authorities in Pakistan to implement various measures in the Security Council resolutions including the freezing and seizure of assets, travel ban and arms embargo.

The Act does not contain an indemnity clause to provide protection to the persons implementing in good faith, the orders passed under the Act. Furthermore, there is a requirement to give powers to the Federal Government to make rules for carrying out the purposes of the Act. In addition, the power to issue orders under the Act need to be delegated by the Federal Government to ensure that the orders are issued in a timely manner, within a matter of a few hours, as required by the Security Council. Finally the provision for punishment of persons offending against the order issue under the Act is redundant as neither the punishment nor the mechanism for its enforcement is provided under the Act. The issue is being taken up separately through corresponding amendment in the Anti-Terrorism Act, 1997.

The Bill, therefore, seeks to amend the United Nations (Security Council) Act, 1948 (XIV of 1948) in order to ensure the effective implementation of the resolutions of the United Nations Security Council.

**MAKHDOOM SHAH MAHMOOD QURESHI
MINISTER FOR FOREIGN AFFAIRS**

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

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"3. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

4. **Power to make rules.**- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

5. **Delegation.**- The Federal Government may, by order, delegate, subject to such conditions as may be specified therein, all or any of the powers ~~exercisable~~ by it under this Act".

exercisable

STATEMENT OF OBJECTS AND REASONS

**Subject: United Nation Security Council Act 1948 (XIV of 1948)
(Amendment) Bill 2020**

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The bill, therefore, seeks to amend the United Nations (Security Council) Act, 1948 (XIV of 1948) in order to ensure the effective implementation of the resolutions of the United Nations Security Council.

Makhdoom Shah Mahmood Qureshi
Minister for Foreign Affairs