

(Passed on:- 30-07-2020)

[AS PASSED BY THE SENATE]

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 issued 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**