

Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations Act 1945

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 1)

The purpose of *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 1)* (Amendment Declaration) is to make a consequential amendment to the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* to reflect an amendment made to the *Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008* pursuant to which those regulations will become known as the *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008*.

Subsections 27(1) and (5) of the *Charter of the United Nations Act 1945* (the Act) provide respectively that individuals and bodies corporate commit an offence if they engage in conduct that contravenes a UN sanction enforcement law. ‘UN sanction enforcement law’ is defined in section 2 of the Act to mean a provision that is specified in an instrument under subsection 2B(1) of the Act. Section 2B provides that the Minister may, by legislative instrument, specify a provision of a law of the Commonwealth to be a UN sanction enforcement law to the extent that the provision gives effect to decisions that the United Nations Security Council has made under Chapter VII of the Charter of the United Nations which Article 25 of the Charter requires Australia to carry out, in so far as those decisions require Australia to apply measures not involving the use of armed force.

By item 1 of Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* (the Declaration), the Minister declared regulations 8, 9, 10 and 11 of the *Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008* to be UN sanction enforcement laws pursuant to subsection 2B(1) of the Act for the purposes of section 27 and related provisions of the Act.

The *Charter of the United Nations (Sanctions) Amendment Regulations 2009* (Regulations) commenced on 6 February 2009. Among other things, the Regulations changed the name of the *Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008* to the *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008* to more accurately reflect Australia’s obligations under United Nations Security Council Resolutions 1735 (2006), 1390 (2002) and 1267 (1999) dealing with Al-Qaida, the Taliban and Usama bin Laden and other individuals, groups, undertakings and entities associated with them.

Item 1 of Schedule 1 of the Amendment Declaration amends Item 1 of Schedule 1 of the Declaration so as to substitute the renamed *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008* in place of the *Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008*.

Details of the Legislative Instrument are set out in the [Annex](#).

Paragraph 1 of the Amendment Declaration provides that the name of the Amendment Declaration is the *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 1)*

Paragraph 2 provides that the Amendment Declaration shall commence on the day after it is registered.

Paragraph 3 provides that Schedule 1 of the Amendment Declaration amends the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

Schedule 1, item 1 provides that Schedule 1 of the *Charter of the United Nations UN Sanction Enforcement Law) Declaration 2008* is amended to substitute at item 1 the regulations entitled *Charter of the United Nations (Sanctions – Al-Qaida and the Taliban) Regulations 2008* in place of the *Charter of the United Nations (Sanctions – Afghanistan) Regulations 2008*.