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 2014 (No. 2)

The purpose of the Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2014 (No. 2) (Amendment Declaration) is to make a consequential amendment to the Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008 (Declaration) to reflect the enactment of the Charter of the United Nations (Sanctions – Yemen) Regulation 2014 (Yemen Regulation) and to reflect the amendments to the Charter of the United Nations (Sanctions – Central African Republic) Regulation 2014 (CAR Regulation) made by the Charter of the United Nations Legislation Amendment (Central African Republic and Yemen) Regulation 2014.

‘UN sanction enforcement law’ is defined in section 2 of the Charter of the United Nations Act 1945 (Act) to mean a provision that is specified in an instrument under sub-section 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 (UNSC) 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.

For subsection 2B(1) of the Act, each item in Schedule 1 of the Declaration is specified as a UN sanction enforcement law. Item 1 of Schedule 1 of the Amendment Declaration substitutes a new Schedule 1 which includes as items sections 5 and 6 of the Yemen Regulation and sections 11A and 11B of the amended CAR Regulation.

No public consultation was undertaken in relation to the Amendment Declaration as it implements Australia’s international legal obligations arising from decisions of the UNSC.

Details of the Legislative Instrument are set out in the Attachment.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2014 (No. 2)

Each item in Schedule 1 of the Declaration is specified as a UN sanction enforcement law. The Amendment Declaration substitutes a new Schedule 1 so that it includes as items sections 5 and 6 of the Yemen Regulation and sections 11A and 11B of the amended CAR Regulation. Sections 5 and 6 of the Yemen Regulation implement the decision by the United Nations Security Council (UNSC) in resolution 2140 (2014) of 26 February 2014, which provided for the imposition of targeted financial sanctions on persons and entities designated by the Committee established under that resolution. Sections 11A and 11B of the amended CAR Regulation implement the decision by the UNSC in resolution 2134 (2014), which likewise provided for the imposition of targeted financial sanctions on persons and entities designated by the Committee established under resolution 2127 (2013).

The consequential amendments made by the Amendment Declaration do not engage, and are therefore compatible with, the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.
Details of the Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2014 (No. 2)

Paragraph 1 – Name of Instrument

Paragraph 1 provides that the name of the instrument is the Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2014 (No. 2).

Paragraph 2 - Commencement

Paragraph 2 provides that the instrument commences on the day after it is registered.

Paragraph 3 – Amendment of Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008

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

Schedule 1 - Amendment

Schedule 1, item 1 substitutes a new Schedule 1 of the Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008.

The substituted Schedule 1 reflects the enactment of the Charter of the United Nations (Sanctions – Yemen) Regulation 2014.

The substituted Schedule 1 inserts sections 5 and 6 of the Charter of the United Nations (Sanctions – Yemen) Regulation 2014 as item 15.

The substituted Schedule 1 reflects the amendments to the Charter of the United Nations (Sanctions – Central African Republic) Regulation 2014.


The implementation of targeted financial sanctions on designated persons and entities connected with Yemen and the Central African Republic implements Australia’s obligations under United Nations Security Council resolutions 2134 (2014) and 2140 (2014).

The substituted Schedule 1 also changes the numbering of items 15 to 18 to take account of the above insertions.