

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE NATIONAL COMMISSION FOR INTERNATIONAL LAW AND COMMITMENTS BILL, 2016”

Report No. 34

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE NATIONAL COMMISSION FOR INTERNATIONAL LAW AND COMMITMENTS BILL, 2016"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The National Commission for International Law and Commitments Bill, 2016", introduced by Senator Karim Ahmed Khawaja on 21st November, 2016. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

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| 1. | Senator Muhammad Javed Abbasi | Chairman |
| 2. | Senator Aitzaz Ahsan | Member |
| 3. | Senator Saleem Zia | Member |
| 4. | Senator Dr. Muhammad Ali Khan Saif | Member |
| 5. | Senator Syed Muzafar Hussain Shah | Member |
| 6. | Senator Nehal Hashmi | Member |
| 7. | Senator Ms. Ayesha Raza Farooq | Member |
| 8. | Senator Nawabzada Saifullah Magsi | Member |
| 9. | Senator Saeed Ghani | Member |
| 10. | Senator Zaheer ud Din Babar Awan | Member |
| 11. | Senator Mrs. Zahida Khan | Member |
| 12. | Senator Farooq Hamid Naek | Member |
| 13. | Minister for Law and Justice | Ex-Officio Member |


3. The Committee considered the Bill in its meetings held on 13th December, 2016, 20th December, 2016 and 19th January, 2017, Final consideration of the Bill was held in the meeting dated 19th January, 2017, which was attended by the following members and the mover:-

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| i. | Senator Muhammad Javed Abbasi | Chairman |
| ii. | <i>Senator Syed Muzafar Hussain Shah</i> | <i>Member</i> |
| iii. | <i>Senator Nehal Hashmi</i> | <i>Member</i> |
| iv. | <i>Senator Ms. Ayesha Raza Farooq</i> | <i>Member</i> |
| v. | <i>Senator Mrs. Zahida Khan</i> | <i>Member</i> |
| vi. | <i>Senator Saleem Zia</i> | <i>Member</i> |
| vii. | <i>Senator Karim Ahmed Khawaja</i> | <i>Mover</i> |


4. During the course of meetings, Senator Karim Ahmed Khawaja, mover briefed the Committee that the Bill seeks to establish National Commission for International law and Commitments as jurisprudentially, Pakistan is a dualistic state where International Law cannot be implemented without due ratification of the Parliament. Pakistan is signatory to numerous International Treaties and Conventions, however, the implementation of these international instruments is still a daunting challenge. Furthermore, it is also important to analyse and evaluate the impact of a particular treaty on national laws. There is also a need to have a proper record of international treaties, conventions and agreements signed by Pakistan, which should be easily accessible by Government Departments and also the citizens of Pakistan. There is no governmental body to conduct research on the impact of International treaties in Pakistan, due to which private sector is engaged to carry out this important task. There is thus an urgent need to create a Governmental body to perform the aforementioned functions.

5. Ministries of Law and Justice and Foreign Affairs opposed the Bill on the grounds that under the Rules of Business, 1973, all the subjects for the purposes of business of Government are divided amongst various Divisions. An International agreement or commitment for the purposes of a particular subject is to be administered and steered by the respective Division. This is all done after the approval of the Cabinet which is a collective body of Ministers headed by the Prime Minister. Now to form a separate International commitment Authority would be of no use as the only purpose of the Authority would be consultation with all the respective Divisions. The consultation among all the stakeholders Divisions is already a requirement under rule 8 of the Rules of Business, 1973.

6. The Committee was of the considered opinion that establishment of National Commission for International law and Commitments will result in providing parallel forum, furthermore, already a mechanism is provided in this regard. The Committee also took note of the Preamble which provides that "*Whereas it is expedient to establish a National Commission for International Law and Commitment to serve as a forum for coordination and consultation on matters of international conventions, treaties, covenants and commitments and for matters connected therewith and ancillary thereto*". According to the Committee providing a forum for only coordination and consultation will be a futile exercise. The Committee also observed that in terms of paragraph (a) of clause 4 of the said Bill, the Commission is proposed to a forum for consultation to the Parliament; which is not practical.



7. In view of the above-mentioned, the Committee recommends that the "The National Commission for International Law and Commitments Bill, 2016" introduced by Senator Karim Ahmed Khawaja may not be passed by the Senate. (Copy of Bill annexed).



J.S / Secretary Committee



**(Senator Muhammad Javed Abbasi)
Chairman
Standing Committee on Law and Justice**

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BILL

to provide for the establishment of the National Commission for International Law and Commitments

WHEREAS it is expedient to establish a National Commission for International Law and Commitments to serve as a forum for coordination and consultation on matters of international conventions, treaties, covenants and commitments and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the National Commission for International Law and Commitments Act, 2016.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Act" means the National Commissions for International Law and Commitments Act, 2016;

(b) "Commission" means the National Commission for International Law and Commitments;

(c) "Director General" means Director General of the Commission;

(d) "Government" means the Federal Government of Pakistan;

(e) "Parliament" means the National Assembly of Pakistan and the Senate of Pakistan as defined in the Constitution; and

(f) "Rules" means the rules made under this Act.

3. Establishment of the Commission.- There shall be established a National Commission for International Law and Commitments to serve as a forum for coordination and consultation on international conventions, treaties, covenants and commitments.

4. Functions of the Commission.- The Commission shall,

(a) serve as a forum for consultation to the Parliament, Prime Minister and the Government on matters of international conventions, treaties, covenants and commitments;

- (b) formulate and make recommendations to the Parliament, Prime Minister and the Government in accordance with the consultations in terms of sub-section (a);
- (c) refer any international proposal of national importance which requires implementation, to the Parliament, Prime Minister or the Government for appropriate action;
- (d) interpret of compliance with United Nations Resolutions;
- (e) provide assistance in negotiations of bilateral and multilateral conventions;
- (f) assist Government in preparation of compliance report to be submitted to the United Nations;
- (g) monitor progress of ratification and dissemination as well as preparation of reports thereof;
- (h) assist the Federal and Provincial governments in their efforts to ensure the implementation of international commitments;
- (i) conduct research and review impacts of conventions and treaties on Pakistan, to make its reports or policy recommendations for submission to the Parliament;
- (j) coordinate between Parliament and all Ministries and Government Organizations relating to conventions, treaties and covenants;
- (k) arrange seminars, workshops or conferences;
- (l) establish a resource and research center for international law in Pakistan;
- (m) make liaison with the International Organizations, either established domestically, regionally or globally;
- (n) maintain a record of all the existing international instruments such as conventions, treaties and covenants; and
- (o) any other function as may be assigned to it by the Government.

5. Secretariat of the Commission.- (1) The Secretariat of the Commission shall be headed by a Director General, who shall be an officer of the Federal Government not inferior in rank of BS-21, or promoted amongst the employees of the Commission.

(2) The Director General of the Commission shall be appointed by the Government on such terms and conditions as it may deem appropriate.

(3) Other officers and employees of the Commission shall be appointed by the Director General, or an officer of the Commission duly authorized by him, on such terms and conditions as the Government may determine.

(4) The Commission may, for the purpose of research, engage, for a specified period, as many persons as it considers necessary.

6. Reports.- The Commission shall publish an annual report of its activities and such other periodic or special reports requiring implementation effect as it may consider necessary. The Commission shall submit the reports to the Government.

7. Power to make rules.- The Commission may, with the approval of the Government, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Jurisprudentially, Pakistan is a dualistic State where International Law cannot be implemented without due ratification of the Parliament. Pakistan is signatory to numerous International Treaties and Conventions, however, the implementation of these international instruments is still a daunting challenge. Furthermore, it is also important to analyse and evaluate the impact of a particular treaty on national laws. There is also a need to have a proper record of international treaties, conventions and agreements signed by Pakistan, which should be easily accessible by Government Departments and also the citizens of Pakistan. There is no governmental body to conduct research on the impact of International Treaties in Pakistan, due to which private sector is engaged to carry out this important task. There is thus an urgent need to create a Governmental body to perform the aforementioned functions. This Bill seeks to establish National Commission for International Law and Commitments to achieve the aforementioned objects.

SENATOR KARIM AHMED KHAWAJA
Member-in-Charge