

## **EXPLANATORY STATEMENT**

Issued by the Authority of the Minister for Foreign Affairs

*Charter of the United Nations Act 1945*

*Charter of the United Nations (Sanctions—Iran) Documents List 2014*

Section 6 of the *Charter of the United Nations Act 1945* (the Act) provides that the Governor-General may make regulations to give effect to decisions of the United Nations Security Council (UNSC) under Chapter VII of the Charter of the United Nations (the Charter) that Australia is required to carry out under Article 25 of the Charter and in so far as those decisions require Australia to apply measures not involving the use of armed force. Section 6(2)(g) of the Act also allows the regulations to authorise the making of legislative instruments.

The *Charter of the United Nations (Sanctions—Iran) Documents List 2014* (**the Iran List**) lists documents specified by the Minister with reference to decisions of the United Nations 1737 (Iran) Sanctions Committee. The documents referred to in the Iran List list goods determined by the 1737 (Iran) Sanctions Committee to be goods prohibited for export to, or importation from, Iran. The goods listed in these documents will be implemented into the definition of export and import sanctioned goods for the purposes of the *Charter of the United Nations (Sanctions – Iran) Regulations 2008*.

Australia is under an international legal obligation to implement the decisions of the UNSC and its sanctions committees fully and as expeditiously as possible. The Iran List will facilitate the implementation of this international legal obligation.

Section 6(3) of the *Charter of the United Nations Act 1945* provides that regulations made for the purposes of giving effect to decisions of the UNSC may make provision in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time despite subsection 14(2) of the *Legislative Instruments Act 2003*.

No public consultation was undertaken in relation to the Iran List, as it implements Australia's international legal obligations arising from decisions of the UNSC. The Department of Foreign Affairs and Trade conducts regular outreach to the Australian business community to explain Australian sanctions laws implementing UNSC sanctions.

Resolution 1737 was adopted under Article 41 of Chapter VII of the Charter and the measures are binding on Australia pursuant to Article 25 of that Charter. The relevant UNSC resolutions can be found on the UN website ([www.un.org](http://www.un.org)).

Details of the Amendment Regulation 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 (Sanctions—Iran) Documents List 2014*

The *Charter of the United Nations (Sanctions—Iran) Documents List 2014* (the Iran List) is 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*.

The Iran List creates a list of United Nations Security Council and International Atomic Energy Agency documents, as specified by the Minister pursuant to the *Charter of the United Nations (Sanctions – Iran) Regulations 2008 (the Iran Regulations)*, that reference goods as decided by the 1737 (Iran) Sanctions Committee to be goods prohibited from export to, or importation from, Iran.

The goods referenced in these documents have been incorporated into the definition of export sanctioned goods and import sanctioned goods for the purposes of Regulations 5 and 6 respectively of the Iran Regulations.

The Amendment Regulation protects human rights by ensuring that persons and entities that violate measures imposed by UNSC resolutions will be subject to UNSC sanctions.

## ATTACHMENT

### Details of *Charter of the United Nations (Sanctions—Iran) Documents List 2014*

#### Section 1 – Name of Designation

Section 1 provides that the name of the designation is the *Charter of the United Nations (Sanctions—Iran) Documents List 2014*.

#### Section 2 – Commencement

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

#### Section 3 – Determination of documents

Section 3 provides that for paragraph 5(1A) of the *Charter of the United Nations (Sanctions – Iran) Regulations 2011*, each Security Council and International Atomic Energy Agency document mentioned in an item in Schedule 1 is a document for Iran.

#### Schedule 1 – Amendments

*Charter of the United Nations (Sanctions—Iran) Documents List 2014*

#### **Item [1] – INFCIRC/254/Rev.11/Part 1**

Item [1] is an International Atomic Energy Agency (IAEA) Information Circular, covering a letter from the Chairman of the Nuclear Suppliers Group, dated 5 September 2013, to the IAEA, amending the Nuclear Suppliers Group Part 1 Guidelines for Nuclear Transfers (the Part 1 Guidelines). The Guidelines provide fundamental principles for safeguards and export controls that apply to nuclear transfers.

#### **Item [2] - INFCIRC/254/Rev.8/Part 2**

Item [2] is an International Atomic Energy Agency (IAEA) Information Circular, covering a letter from the Chairman of the Nuclear Suppliers Group, dated 7 May 2010, to the IAEA, amending the Nuclear Suppliers Group Part 2 Guidelines for transfers of nuclear-related dual-use equipment, materials, software, and related technology (the Part 2 Guidelines). The Part 2 Guidelines governs the export of nuclear related dual-use items and technologies, including items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but which also have non-nuclear uses.

#### **Item [3] – S/2012/947**

Item [3] is a letter dated 20 December 2012 from Permanent Representative of the United States of America to the United Nations to the President of the United Nations Security Council, updating the list of items, materials, equipment, goods and technology related to ballistic missile programmes related to nuclear programmes.

**Item [4] – S/2006/985**

Item [4] is a letter dated 7 December 2006, from the Permanent Representative of the United Kingdom to the United Nations, to the President of the Security Council, containing guidelines for sensitive missile-relevant transfers.