



# **Australia: Sanctions on Iran, North Korea, and Syria**

July 2013

LL File No. 2013-009743  
LRA-D-PUB-000565

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# Australia: Sanctions on Iran, North Korea, and Syria

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**SUMMARY** Australia has implemented various sanctions against Iran and North Korea that have been imposed under United Nations Security Council resolutions. It also imposes autonomous sanctions against both of these countries and against Syria, including additional import and export restrictions, targeted restrictions on commercial dealings with persons or entities in or connected to the three countries, and prohibitions on entry into Australia by certain individuals. The sanctions are provided for in various regulations, including those promulgated under the Charter of the United Nations Act 1945 (Cth) and the Autonomous Sanctions Act 2011 (Cth). The regulations are amended from time to time in response to new Security Council resolutions or developments within a particular country.

## I. Australia's Sanctions System

Australia imposes trade and financial sanctions on certain countries, persons, and entities through two main mechanisms:

- The implementation of United Nations Security Council sanctions through regulations made under the Charter of the United Nations Act 1945 (Cth);<sup>1</sup> and
- Autonomous sanctions established under the Autonomous Sanctions Act 2011 (Cth) and Autonomous Sanctions Regulations 2011 (Cth).<sup>2</sup>

In addition to the above instruments, the following laws and regulations play key roles in the sanctions system:

- The Customs Act 1901 (Cth)<sup>3</sup> and associated regulations, particularly the Customs (Prohibited Exports) Regulations 1958 (Cth),<sup>4</sup> implement controls on the export of goods from Australia to specified countries.<sup>5</sup>

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<sup>1</sup> *How are UN Sanctions Implemented in Australia?*, DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), [http://www.dfat.gov.au/un/unsanctions/unsanctions\\_how.html](http://www.dfat.gov.au/un/unsanctions/unsanctions_how.html) (last visited July 23, 2013); Charter of the United Nations Act 1945 (Cth), <http://www.comlaw.gov.au/Series/C1945A00032>.

<sup>2</sup> *How are Australian Autonomous Sanctions Implemented?*, DFAT, [http://www.dfat.gov.au/un/unsanctions/australian\\_sanctions\\_how.html](http://www.dfat.gov.au/un/unsanctions/australian_sanctions_how.html) (last visited July 23, 2013); Autonomous Sanctions Act 2011 (Cth), <http://www.comlaw.gov.au/Details/C2011A00038>; Autonomous Sanctions Regulations 2011 (Cth), <http://www.comlaw.gov.au/Details/F2012C00562>. See also *What Measures are Imposed as Autonomous Sanctions?*, DFAT, [http://www.dfat.gov.au/un/unsanctions/autonomous\\_sanctions\\_measures.html](http://www.dfat.gov.au/un/unsanctions/autonomous_sanctions_measures.html) (last visited July 24, 2013).

<sup>3</sup> Customs Act 1901 (Cth), <http://www.comlaw.gov.au/Details/C2013C00271>.

- Imports of UN-sanctioned goods<sup>6</sup> into Australia from specified countries are controlled by the Customs (Prohibited Imports) Regulations 1956 (Cth).<sup>7</sup>
- Travel bans and restrictions applied to persons, or classes of persons, are implemented through the Migration Act 1958 (Cth)<sup>8</sup> and either the Migration Regulations 1994 (Cth) (for autonomous sanctions)<sup>9</sup> or the Migration (United Nations Security Council Resolutions) Regulations 2007 (Cth) (for UN sanctions).<sup>10</sup>

The Australian government operates an Online Sanctions Administration System that enables Australian entities to make inquiries about or apply for authorization to engage in conduct otherwise prohibited by the various sanctions.<sup>11</sup>

## II. Iran

Australia fully implements four UN Security Council resolutions that impose sanctions against Iran in relation to a range of activities, including “the supply of certain dual use goods and services to Iran, the procurement from Iran of certain military and dual use goods and services, and travel and financial sanctions against designated persons and entities who are engaged in Iran’s proliferation sensitive activities.”<sup>12</sup> Australia currently chairs the UN Sanctions Committee on Iran.<sup>13</sup>

Since October 2008, Australia has also imposed autonomous sanctions with respect to Iran as well as Iranian entities and individuals not specified in the UN sanctions. Additional autonomous sanctions, which are broadly aligned with those introduced by the European Union and other countries, were announced by the Minister for Foreign Affairs in January 2013.<sup>14</sup>

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<sup>4</sup> Customs (Prohibited Exports) Regulations 1958 (Cth), <http://www.comlaw.gov.au/Details/F2013C00432>.

<sup>5</sup> *How are UN Sanctions Implemented in Australia?*, *supra* note 1; *How are Australian Autonomous Sanctions Implemented?*, *supra* note 2.

<sup>6</sup> *See What Measures are Imposed as UN Sanctions?*, DFAT, [http://www.dfat.gov.au/un/unsanctions/unsanctions\\_measures.html](http://www.dfat.gov.au/un/unsanctions/unsanctions_measures.html) (last visited July 23, 2013).

<sup>7</sup> Customs (Prohibited Imports) Regulations 1956 (Cth), <http://www.comlaw.gov.au/Details/F2013C00437>.

<sup>8</sup> Migration Act 1958 (Cth), <http://www.comlaw.gov.au/Details/C2013C00368>.

<sup>9</sup> *How are Australian Autonomous Sanctions Implemented?*, *supra* note 2; Migration Regulations 1994 (Cth), <http://www.comlaw.gov.au/Details/F2013C00474>.

<sup>10</sup> *How are UN Sanctions Implemented in Australia?*, *supra* note 1; Migration (United Nations Security Council Resolutions) Regulations 2007 (Cth), <http://www.comlaw.gov.au/Details/F2007L01791>.

<sup>11</sup> *Online Sanctions Administration System (OSAS)*, DFAT, <https://sanctions.dfat.gov.au/> (last visited July 23, 2013).

<sup>12</sup> *Iran Country Brief*, DFAT, [http://www.dfat.gov.au/geo/iran/iran\\_country\\_brief.html](http://www.dfat.gov.au/geo/iran/iran_country_brief.html) (last updated Mar. 2013).

<sup>13</sup> *See Security Council Committee Established Pursuant to Resolution 1737 (2006)*, UNITED NATIONS, <http://www.un.org/sc/committees/1737/> (last visited July 23, 2013).

<sup>14</sup> Press Release, Hon. Bob Carr, Iran Sanctions (Jan. 10, 2013), [http://www.foreignminister.gov.au/releases/2013/bc\\_mr\\_130110.html](http://www.foreignminister.gov.au/releases/2013/bc_mr_130110.html).

## A. United Nations Sanctions

Sanctions that are applied to Iran by Australia pursuant to the various UN Security Council resolutions include<sup>15</sup>

- prohibitions relating to the supply, sale, or transfer to Iran of various goods and technology (or technological assistance), particularly related to the development of nuclear weapons or procurement of other weaponry, as well as prohibitions on the procurement from Iran of the listed items and any arms or related matériel;
- prohibitions on the “unauthorized provision to Iran of technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services related to the supply, sale, transfer, manufacture or use of goods” referred to under the above prohibitions related to arms or weaponry, as well as a prohibition on the unauthorized provision of bunkering services to Iranian-owned or contracted vessels;<sup>16</sup>
- prohibitions on investment and business dealings involving uranium mining and other commercial dealings related to the production or use of nuclear materials and technology, as well as on the unauthorized conduct of business with specified Iranian entities;<sup>17</sup>
- targeted financial sanctions involving prohibitions on the use of, or dealing with, assets of specified persons and entities;<sup>18</sup> and
- travel restrictions on individuals listed by the Security Council or the Sanctions Committee.

## B. Autonomous Sanctions

Since October 2008, Australia has imposed “targeted autonomous sanctions in relation to Iran’s proliferation sensitive nuclear and missile programs and efforts to contravene United Nations Security Council sanctions.”<sup>19</sup> The current sanctions include prohibitions on<sup>20</sup>

- the export of certain sanctioned goods, including arms and related matériel; specified equipment and technology for the oil and gas industry; Iranian currency; and gold, precious

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<sup>15</sup> *Australia and the United Nations – Sanctions: Iran*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/iran.html](http://www.dfat.gov.au/un/unsc_sanctions/iran.html) (last visited July 23, 2013) (includes links to relevant regulations and associated documents).

<sup>16</sup> *Id.*

<sup>17</sup> *See Iran Specified Entities*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/iran-specified-entities.html](http://www.dfat.gov.au/un/unsc_sanctions/iran-specified-entities.html) (last visited July 23, 2013).

<sup>18</sup> *See generally, Australia’s Implementation of United Nations Security Council Financial Sanctions*, DFAT, [http://www.dfat.gov.au/icat/UNSC\\_financial\\_sanctions.html](http://www.dfat.gov.au/icat/UNSC_financial_sanctions.html) (last visited July 23, 2013); *see also Restrictions on Financial Transactions Involving Iran*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/iran\\_financial\\_restrictions.html](http://www.dfat.gov.au/un/unsc_sanctions/iran_financial_restrictions.html) (last visited July 23, 2013) (concerning restrictions on financial transactions involving Iran imposed under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) and associated regulations).

<sup>19</sup> *Australia’s Autonomous Sanctions: Iran*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/iran\\_autonomous\\_sanctions.html](http://www.dfat.gov.au/un/unsc_sanctions/iran_autonomous_sanctions.html) (last visited July 23, 2013).

<sup>20</sup> *Id.*

metals, and diamonds (applies only to the sale, supply or transfer to the government of Iran and associated entities);

- the import, purchase, or transport of certain sanctioned goods, including specified crude oil products, petroleum products, and petrochemical products, as well as gold, precious metals, and diamonds;
- the provision of technical advice, assistance or training related to military activities or the manufacture, maintenance or use of export sanctioned goods, as well as the provision of a financial service or financial assistance related to sanctioned imports or exports;
- commercial activities involving “the acquisition or extension of an interest in, or the establishment of or participation in a joint venture with, or the granting of a financial loan or credit to” certain entities that are engaged in the Iranian petrochemical industry or sectors of the oil and gas industry;<sup>21</sup>
- the sale of an interest in a commercial activity in the Australian oil and gas industry to the Iranian government, natural persons in Iran, and Iranian entities;
- the setting up in Australia of representative offices, branches, or subsidiaries of Iranian financial institutions, and the setting up in Iran of a representative office, branch, or subsidiary by a financial institution;
- the use and dealing with the assets of a designated Iranian person or entity, other than authorized by a permit issued by the Minister for Foreign Affairs; and
- the entry or transit through Australia of persons declared as meeting the criteria for Iran under regulation 6 of the Autonomous Sanctions Regulations 2011 (Cth).<sup>22</sup>

The additional sanctions proposed in January 2013 were subject to a public consultation process, with submissions due in May 2013.<sup>23</sup> The new measures would include the prohibition of

- financial transactions between Australian and Iranian banks, including the Central Bank of Iran, unless authorised in advance;
- export of additional materials and the provision of services relevant to Iran’s nuclear and ballistic programs, and to industries controlled by the Iranian Revolutionary Guard Corps;
- import of natural gas from Iran and the provision of related services, and broadening restrictions on export of key equipment for the Iranian oil, gas and petrochemical industries; and
- use of Australian vessels for transport or storage of Iranian petrochemical products; construction of new oil tankers for Iran and supply of key naval equipment and

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.* Regulation 6 of the Autonomous Sanctions Regulations 2011 specifies that the Minister for Foreign Affairs may declare that a person is to be prevented from entering or remaining in Australia where the Minister is satisfied that the person “has contributed to, or is contributing to, Iran’s nuclear or missile programs” or “has assisted, or is assisting, Iran to violate” specified UN Security Council resolutions. These same criteria apply to designating a person or entity for the purposes of financial restrictions.

<sup>23</sup> *Public Consultation on Australia’s Sanctions Relating to Iran*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/public\\_consultation.html](http://www.dfat.gov.au/un/unsc_sanctions/public_consultation.html) (last visited July 23, 2013).

technology for ship building and maintenance; and flagging and classification services for Iranian tankers and cargo vessels.<sup>24</sup>

The list of designated persons and entities and declared persons for Iran was amended in late June 2013 to give effect to aspects of the Minister's January 2013 announcement. In addition to prohibiting their entry into Australia, assets owned or controlled by designated persons or entities may essentially be frozen as anyone holding the assets is prohibited from dealing with them.<sup>25</sup>

### III. North Korea

Australia has fully implemented the UN sanctions against North Korea that have been adopted by various Security Council resolutions since 2006. It has also imposed autonomous sanctions that are targeted at the country's nuclear and other weapons of mass destruction programs, as well as financial sanctions against companies connected with financing these programs. Furthermore, North Korean vessels are prevented from entering Australian ports and nationals may not be granted visas.<sup>26</sup>

#### A. United Nations Sanctions

The Australian regulations that implement UN sanctions on North Korea include prohibitions on<sup>27</sup>

- the unauthorized supply, sale, or transfer to North Korea of all arms and related matériel;
- the supply, sale, or transfer to North Korea of specified sanctioned goods;
- the unauthorized provision of “financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use” of arms and sanctioned goods, as well as services relating to the transportation of such goods and the provision of bunkering services to North Korean vessels;<sup>28</sup>
- the procurement from North Korea of all arms and related matériel and specified sanctioned goods;

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<sup>24</sup> Press Release, Hon. Bob Carr, Iran Sanctions, *supra* note 14; see also *Public Consultation on Australia's Sanctions Relating to Iran*, *supra* note 23; *New Categories of Goods and Technology*, DFAT, <http://www.dfat.gov.au/un/unsanctions/iran-goods.html> (last visited July 23, 2013).

<sup>25</sup> Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Iran) Amendment List 2013 (No. 1): Explanatory Statement, <http://www.comlaw.gov.au/Details/F2013L01312/Explanatory%20Statement/Text>.

<sup>26</sup> *Democratic People's Republic of Korea Country Brief*, DFAT, [http://www.dfat.gov.au/geo/dprk/dprk\\_brief.html](http://www.dfat.gov.au/geo/dprk/dprk_brief.html) (last updated May 2013).

<sup>27</sup> *Australia and the United Nations – Sanctions: Democratic People's Republic of Korea (North Korea)*, DFAT, <http://www.dfat.gov.au/un/unsanctions/north-korea.html> (last visited July 23, 2013).

<sup>28</sup> *Id.*

- the procurement from North Korea of “financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use” of arms and sanctioned goods;<sup>29</sup>
- “[t]he use or dealing with the assets of, and the making available of assets to,” persons and entities listed by the Security Council or the relevant Sanctions Committee;<sup>30</sup> and
- the entry or transit through Australia of persons listed by the Security Council or the Sanctions Committee.

Amendments to the relevant regulations were promulgated in July 2013.<sup>31</sup> The amendments implement the additional sanctions imposed against North Korea by the most recent Security Council resolution in March 2013 following that country’s February 12 nuclear test.<sup>32</sup> This resolution extended “the existing sanctions to cover additional services, items, materials, equipment, goods and technology,”<sup>33</sup> particularly in relation to the transfer of financial or other assets that could contribute to North Korea’s nuclear or ballistic missile programs.

## **B. Autonomous Sanctions**

Following North Korea’s nuclear tests in 2006, Australia put in place several autonomous sanctions in addition to those imposed by the UN Security Council.<sup>34</sup> These sanctions prohibit

- “[t]he use or dealing with the assets of, and the making available of assets to, a person or entity designated by the Minister for Foreign Affairs other than as authorised by a permit issued by the Minister for Foreign Affairs”;
- the entry or transit through Australia of North Korean nationals; and
- the entry into a port or place in Australia by a North Korean-flagged vessel.<sup>35</sup>

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<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Amendment Regulation 2013 (No. 1) (Cth), <http://www.comlaw.gov.au/Details/F2013L01384>.

<sup>32</sup> *Australia and the United Nations – Sanctions: Democratic People’s Republic of Korea (North Korea)*, *supra* note 27.

<sup>33</sup> Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Amendment Regulation 2013 (No. 1): Explanatory Statement, <http://www.comlaw.gov.au/Details/F2013L01384/Explanatory%20Statement/Text>.

<sup>34</sup> *Australia’s Autonomous Sanctions: Democratic People’s Republic of Korea (North Korea)*, DFAT, [http://www.dfat.gov.au/un/unsct\\_sanctions/north-korea-bilat.html](http://www.dfat.gov.au/un/unsct_sanctions/north-korea-bilat.html) (last visited July 23, 2013) (includes links to relevant regulations and associated documents).

<sup>35</sup> *Id.*



## IV. Syria

In May 2011, the Australian Minister for Foreign Affairs announced that new autonomous sanctions against Syria would be put in place to “reflect Australia’s grave concern at the deeply disturbing and unacceptable use by the Syrian regime of violence against its people.”<sup>36</sup> The measures were further expanded in June 2012, including restrictions on dealings with Syria’s oil, petroleum, and financial sectors and an expanded list of individuals and groups targeted for financial and travel restrictions.<sup>37</sup> This also followed the expulsion from Australia of the Syrian Chargé d’Affaires in May 2012.<sup>38</sup>

### A. Autonomous Sanctions

Australian law currently prohibits<sup>39</sup>

- the sale, supply, or transfer to Syria of various “export sanctioned goods,” including arms or related matériel; specified equipment or technology for use in the construction of new power plants or in the oil and gas or petrochemical industries; Syrian currency; “specified equipment, technology or software for the monitoring or interception of internet or telephone communications”; specified luxury goods; gold, precious metals, and diamonds (applies only to the sale, supply or transfer to the government of Syria and associated entities); and other designated goods “of particular concern if destined for end-users in Syria”;<sup>40</sup>
- the import, purchase, or transport of “import sanctioned goods,” including specified crude oil, petroleum, and petrochemical products, and gold, precious metal, and diamonds (applies only to the import, purchase, or transport of such goods from the government of Syria and associated entities);
- the provision of technical advice, assistance or training, or a financial service or other assistance, related to military activities, a sanctioned supply, or the manufacture, maintenance, or use of an export sanctioned good, as well as the provision of a financial service or financial assistance related to a sanctioned import;
- the “acquisition or extension of an interest in, or the establishment of or participation in a joint venture with, or the granting of a financial loan or credit to,” Syrian entities engaged in

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<sup>36</sup> *Australia’s Autonomous Sanctions: Syria*, DFAT, [http://www.dfat.gov.au/un/unsc\\_sanctions/syria\\_autonomous\\_sanctions.html](http://www.dfat.gov.au/un/unsc_sanctions/syria_autonomous_sanctions.html); see also Press Release, Hon. Kevin Rudd, Australia Ramps Up Sanctions on Syrian Regime (May 13, 2011), [http://foreignminister.gov.au/releases/2011/kr\\_mr\\_110513.html](http://foreignminister.gov.au/releases/2011/kr_mr_110513.html); Press Release, Dr. Craig Emerson MP, Government Calls on Syria’s President Assad to Step Down, Imposes Extra Sanctions (Aug. 19, 2011), [http://foreignminister.gov.au/releases/2011/kr\\_mr\\_110819.html](http://foreignminister.gov.au/releases/2011/kr_mr_110819.html) (stating that Australia would impose travel and financial restrictions against a total of thirty-four individuals and thirteen entities as a result of the additional sanctions).

<sup>37</sup> Press Release, Hon. Bob Carr, Sanctions on Syria (June 25, 2012), [http://foreignminister.gov.au/releases/2012/bc\\_mr\\_120625c.html](http://foreignminister.gov.au/releases/2012/bc_mr_120625c.html).

<sup>38</sup> See Press Release, Hon. Bob Carr, Expulsion of Syrian Chargé d’Affaires (May 29, 2012), [http://foreignminister.gov.au/releases/2012/bc\\_mr\\_120529b.html](http://foreignminister.gov.au/releases/2012/bc_mr_120529b.html).

<sup>39</sup> *Australia’s Autonomous Sanctions: Syria*, *supra* note 36.

<sup>40</sup> *Id.*

the Syrian petrochemical industry or certain sectors of the oil and gas industry, or engaged in the construction or installation of new power plants;<sup>41</sup>

- the sale of an interest in a commercial activity in the Australian oil and gas industry to the government of Syria, natural persons in Syria, or entities formed or incorporated in Syria, or their representatives;
- the setting up in Australia of a representative office, branch, or subsidiary, or the acquisition or extension of an interest in an Australian financial institution, by certain Syrian entities, including financial institutions domiciled in Syria or controlled by an entity or person domiciled in Syria;
- the establishment by a financial institution of a joint venture, correspondent banking relationship, or bank account, with financial institutions domiciled in Syria or controlled by an entity or person domiciled in Syria, as well as the setting up of a representative office, branch, or subsidiary in Syria;
- the “use or dealing with the assets of, and the making available of assets to, a person or entity designated by the Minister for Foreign Affairs other than as authorised by a permit issued by the Minister for Foreign Affairs”;<sup>42</sup> and
- the entry or transit through Australia of persons declared as meeting the criteria for Syria under regulation 6 of the Autonomous Sanctions Regulations 2011 (Cth).<sup>43</sup>

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* Regulation 6 of the Autonomous Sanctions Regulations 2011 specifies that the Minister for Foreign Affairs may declare that a person is to be prevented from entering or remaining in Australia where the Minister is satisfied that the person “is providing support to the Syrian regime” or “is responsible for human rights abuses in Syria, including: (i) the use of violence against civilians; and (ii) the commission of other abuses.” These same criteria apply to designating a person or entity for the purposes of financial restrictions.