

Excerpts of UN Security Council's draft on new Iran sanctions

Thursday, May 20, 2010

Editor's Note: The following are excerpts from the draft resolution agreed between the United States, China, Russia and the main European powers to increase the sanctions regime against Iran. The resolution boosts sanctions in terms of ship search and seizure, commercial and banking constraints, and designated Iranian persons and entities designated, but it does not affect Iran's petroleum industry. The most important novel element is the search and seizure of "suspect" ships.

(...) PP5 [Preambulatory Clauses]: Reaffirming that outstanding issues can be best resolved and confidence built in the exclusively peaceful nature of Iran's program by Iran responding positively to all the calls which the Council and the IAEA Board of Governors have made on Iran;

PP6: Noting with serious concern the role of elements of the Islamic Revolutionary Guard Corps (IRGC, also known as "Army of the Guardians of the Islamic Revolution"), including those specified in Annex D and E of Resolution 1737 (2006), Annex I of Resolution 1747 (2007) and Annex X of this resolution, in Iran's proliferation sensitive nuclear activities and the development of nuclear weapon delivery systems,

PP7: Noting with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligations to suspend all enrichment related activities, and that Iran failed to notify it to the IAEA until September 2009, which is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement; (...)

PP9: Noting with serious concern that Iran has enriched uranium to twenty percent, and did so without notifying the IAEA with sufficient time for it to adjust the existing safeguards procedures; (...)

PP 13: Stressing that China, France, Germany, the Russian Federation, the United Kingdom and the United States are willing to take further concrete measures on exploring an overall strategy of resolving the Iranian nuclear issue through negotiation on the basis of their June 2006 proposals (S/2006/521) and their June 2008 proposals (INFCIRC/730), and noting the confirmation by these countries that once the confidence of the international community in the exclusively peaceful nature of Iran's nuclear program is restored it will be treated in the same manner as that of any Non-Nuclear Weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; (...)

PP 14: Welcoming the guidance issued by the Financial Actions Task Force (FATF) to assist states in implementing their financial obligations under resolutions 1737 (2006) and 1803 (2008), and recalling in particular the need to exercise vigilance over transactions involving Iranian banks, including the Central Bank of Iran, so as to prevent such transactions contributing to proliferation sensitive nuclear activities, or to the development of nuclear weapon delivery systems; (...)

PP20: Acting under Article 41 of Chapter VII of the Charter of the United Nations,

[Operative clauses]

A) UN Authority

1. Reaffirms that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian program, including by providing access without delay to all sites, persons and documents requested by the IAEA, and stresses the importance of ensuring that the IAEA have all necessary resources and authority for the fulfillment of its work in Iran;

B) Nuclear Issues

2. Reaffirms that, in accordance with Iran's obligations under previous resolutions to suspend all enrichment-related activities, Iran shall not begin construction on any new uranium-enrichment, reprocessing, or heavy water-related facility and shall discontinue any ongoing construction of any uranium-enrichment, reprocessing, or heavy water-related facility;

3. Decides that Iran shall not acquire an interest in any commercial activity in another state involving uranium mining, production or use of nuclear materials and technology ...

C) Missile/Arms Proliferation

4. Decides that all states shall prevent the direct or indirect supply, sale or transfer to Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on conventional arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established pursuant to resolution 1737 (2006) ("the Committee"), decides further that all states shall prevent the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and calls upon all states to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture, maintenance or use of all other arms and related materiel;

5. Decides that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that states shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities;

D) Additional Designations

6. Decides that all states shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex I to this resolution, Annex C, D and E of Resolution 1737 (2006), Annex I of Resolution 1747 (2007) and Annexes I and II of Resolution 1803 (2008) or by the Security Council or the Committee pursuant to paragraph 10 of Resolution 1737 (2006), and underlines that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory, and decides that the measures imposed in this paragraph shall not apply when the Committee determines on a case by case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution;

7. Decides that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the Islamic Revolutionary Guard Corps (IRGC, alias "Army of the Guardians of the Islamic Revolution") individuals and entities specified in Annex II, ...

E) Illegal Shipments

8. Calls upon all states to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran, in their territory, including seaports and airports, if the state concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of Resolution 1737 (2006), paragraph 5 of Resolution 1747 (2007), paragraph 8 of Resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

9. Notes that states, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag state ...

10. Decides that the measures specified in paragraphs 12, 13, 14 and 15 of Resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

F) Financial/Commercial Measures

11. Calls upon all states, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation sensitive nuclear activities, or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories

or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programs or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

G) Banking

12. Calls upon states to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems;

H) Sanctions Enforcement

13. Deplores the violations of the prohibitions of paragraph 5 of Resolution 1747 (2007) that have been reported to the Committee since the adoption of Resolution 1747 (2007), and commends states that have taken action to respond to these violations and report them to the Committee;

14. Directs the Committee to respond effectively to violations of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, and recalls that the Committee may designate individuals and entities who have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, these resolutions;

15. Decides that the Committee shall intensify its efforts to promote the full implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, including through a work program covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council within 45 days of the adoption of this resolution;

16. Requests the Secretary General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee, to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in paragraph 18 of resolution 1737 (2006) and paragraph X of this resolution; (b) gather, examine and analyze information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance, (c) make recommendations on actions the Council, or the Committee or state, may consider to improve implementation of the relevant measures; and (d) provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

17. Calls upon all states to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 7, 8, 9, 10, 11, 12, 13, 19, 21, 22, 23 and 24;

I) Engagement

18. Stresses the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions, most recently in its meeting with Iran on Geneva on October 1, 2009, with a view to seeking a comprehensive, long-term and proper solution of this issue on the basis of the proposal made by China, France, Germany, the Russian Federation, the United Kingdom and the United States on June 14, 2008 ...

19. Encourages the High Representative of the European Union for Foreign Affairs and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom, and the United States with a view to create necessary conditions for resuming talks, and encourages Iran to respond positively to such proposals;

20. Commends the Director General of the IAEA for his proposal of a draft Agreement between the IAEA and the governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing nuclear fuel for a research reactor in Iran, regrets that Iran has not responded constructively to this offer, and encourages the IAEA to continue exploring such measures to build confidence consistent with and in furtherance of the Council's resolutions;

21. Requests within 90 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with other provisions of Resolution 1737 (2006), 1747 (2007), 1803 (2008), and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

22. Affirms that it shall review Iran's actions in light of the report referred to in paragraph 36 above, to be submitted within 90 days, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7, and 12 of Resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6, and 7 of Resolution 1747 (2007), paragraphs 3, 5, 7, 8, 9, 10, and 11 of resolution 1803 (2008), and in paragraphs 7, 8, 9, 10, 11, 12, 13, 19, 21, 22, 23 and 24 above, as soon as it determines, following receipt referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board of Governors; (c) that it shall, in the event that the report shows that Iran has not complied with resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

23. Decides to remain seized of the matter.