

Exceptions Made In Draft Sactions Resolution on Iran

Contributed by CoW
Friday, 27 October 2006

The latest resolution for sactions against Iran included an exception to allow continued development and operation of a Russian assisted facility. Look at item 14 listed in the complete text for draft sactions resolution on Iran.

{mos_sb_discuss:2} \${digg_it}

\${start_quote}

The Security Council,

Recalling the Statement of its President, S/PRST/2006/15, of 29 March 2006, and its resolution 1696 (2006) of 31 July 2006,

Reaffirming its commitment to the Treaty on the Non-proliferation of Nuclear Weapons, and recalling the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

Reiterating its serious concern over the many reports of the IAEA Director General and resolutions of the IAEA Board of Governors related to Iran's nuclear programme, reported to it by the IAEA Director General, including IAEA Board resolution GOV/2006/14,

Reiterating its serious concern that the IAEA Director General's report of 27 February 2006 (GOV/2006/15) lists a number of outstanding issues and concerns on Iran's nuclear programme, including topics which could have a military nuclear dimension, and that the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran,

Reiterating its serious concern over the IAEA Director General's report of 28 April 2006 (GOV/2006/27) and its findings, including that. after more than three years of Agency efforts to seek clarity about all aspects of Iran's nuclear programme, the existing gaps in knowledge continue to be a matter of concern, and that the IAEA is unable to make progress in its efforts to provide assurances about the absence of undeclared nuclear material and activities in Iran,

Noting with serious concern that, as confirmed by the IAEA Director General's reports of 8 June 2006 (GOV/2006/38) and 31 August 2006 (GOV/2006/53), Iran has not established full and sustained suspension of all enrichment-related and reprocessing activities as set out in resolution 1696 (2006), nor resumed its cooperation with the IAEA under the Additional Protocol, nor taken the other steps required of it by the IAEA Board of Governors, nor complied with the provisions of Security Council resolution 1696 (2006) and which are essential to build confidence, and deploring Iran's refusal to take these steps,

Emphasizing the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes, and noting that such a solution would benefit nuclear non-proliferation elsewhere, and welcoming the continuing commitment of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative to seek a negotiated solution,

Determined to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolution 1696 (2006) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and ballistic missile programmes, until such time as the Security Council determines that the objectives of this resolution have been met,

Taking note of Security Council documents S/2006/814 and S/2006/815,

Concerned by the proliferation risks presented by the Iranian nuclear programme and, in this context, by Iran's continuing failure to meet the requirements of the IAE Board of Governors and to comply with the provisions of Security Council resolution 1696 (2006), mindful of its primary responsibility under the Charter of the United Nations to address threats to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. Affirms that Iran should without further delay take the steps required by the IAEA Board of Governors in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions;
2. Decides, in this context, that Iran shall without delay implement in full the provisions of the Additional Protocol, and implement transparency measures, as required by the Director General, including IAEA Report GOV/2005/67 which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol (INFCIRC 1540 (Corr.) adjusted as shown in document GOV/2003/77), and include such access to individuals, documentation relating to procurement, dual use equipment, certain military owned workshops and research and development locations as the Agency may request in support of its ongoing investigations, and calls upon Iran to ratify promptly the Additional Protocol;
3. Decides also, in this context, that Iran shall without further delay suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA, and decides that Iran shall suspend work on all heavy water related projects, including the construction of a research reactor moderated by heavy water;
4. Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology which could contribute to Iran's nuclear and ballistic missile programmes, including those set out in documents S/2006/814 and S/2006/815, as well as additional items, materials, equipment, goods and technology, determined by the Security Council or the Committee established by paragraph 16 below (herein "the Committee"), which could contribute to Iran's nuclear and ballistic missile programmes;
5. Decides that all States shall also take the necessary measures to prevent the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to Iran's nuclear or ballistic missile programmes, or to the supply, sale, transfer or manufacture of the items, materials, equipment, goods and technology specified in paragraph 4 above;
6. Decides that the measures imposed by paragraphs 4 and 5 above shall not apply where the Committee determines in advance and on a case by case basis that such supply, sale, transfer or provision of such items or assistance would clearly not contribute to the development of Iran's sensitive technologies in support of its nuclear and ballistic missile programmes, including where such items or assistance are for food, agricultural, medical or other humanitarian purposes;
7. Decides that all States shall take the necessary measures to prevent entry into or transit through their territories of the persons designated in the Annex to this resolution (herein "the Annex"), as well as of additional persons designated by the Security Council or the Committee, who are engaged in or provide support for Iran's nuclear and ballistic missile programmes, including through the involvement in procurement of the items, goods, equipment, materials and technology specified by and under the measures in paragraph 4 above, provided that nothing in this paragraph shall obligate a State to refuse its own nationals entry into its territory;
8. Decides that the measures imposed by paragraph 7 above shall not apply where the Committee determines on a case by case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;
9. Decides that all States shall freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of adoption of this resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the Annex, as well as those of additional persons or entities designated by the Security Council or by the Committee as being involved in or directly associated with Iran's nuclear and ballistic missile programmes, or by persons or entities acting on their behalf or at their direction, including through illicit means, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities;
10. Decides that the measures imposed by paragraph 9 above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:
 - a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate,

access to such funds, other financial assets or economic resources and in the absence of a negative decision by the committee within five working days of such notification;

b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraphs 7 and 9 above, and has been notified by the relevant States to the Committee;

11. Decides that States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 9 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

12. Decides that the measures in paragraph 9 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that:

(a) the contract is not related to any of the items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in paragraphs 4 and 5 above,

(b) the payment is not directly or indirectly to or for the benefit of a person or entity designated pursuant to paragraph 9 above, and after notification by the relevant States to the Committee of the intention to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, and in the absence of a negative decision by the committee within five working days of such notification;

13. Decides that assistance provided to Iran by the IAEA or under its auspices shall only be for food, agricultural, medical or other humanitarian purposes, or where it is necessary for the application of standards of safety, except where such assistance relates to activities which the IAEA or the Security Council has requested Iran to suspend or reconsider;

14. Decides, with regard to the construction of Bushehr I Civil Nuclear Power Plant and on the condition that activities set out in subparagraphs (a) to (d) below are notified to the Committee within ten days of taking place, that;

(a) the measures imposed by paragraph 4 and 5 above shall not apply to supplies of items, materials, equipment, goods and technology, nor to the provision of technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources, related to the construction of Bushehr I, where these are being provided directly by the Russian Federation,

(b) the measures imposed by paragraph 7 above shall not apply where such travel, directly between Iran and the Russian Federation, is necessary for the construction of Bushehr I,

(c) the measures imposed by paragraph 9 above shall not apply to funds, other financial assets or economic resources payable to the Russian Federation by Iran, related to the construction of Bushehr I,

(d) the measures imposed by paragraph 13 above shall not apply to assistance provided solely to Iran by the IAEA, related to the construction of Bushehr I,

(e) all other activities related to Bushehr I which are covered by the measures in paragraphs 4, 5, 7, 9 and 13 above must be approved in advance and on a case by case basis by the Committee;

15. Decides that all States shall prohibit specialized teaching or training of Iranian nationals, within their territories or by their nationals, or disciplines which would contribute to Iran's nuclear and ballistic missile programmes, provided that nothing in this paragraph shall oblige a State to deny such teaching or training to its own nationals;

16. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

- a) to seek from all States, in particular those in the region and those producing the items, materials, equipment, goods and technology referred to in paragraph 4 above, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 4, 5, 7, 9 and 15 of this resolution and whatever further information it may consider useful in this regard,
- b) to seek from the secretariat of the IAEA information regarding the actions taken by the IAEA to implement effectively the measures imposed by paragraph 13 of this resolution and whatever further information it may consider useful in this regard,
- c) to examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 4, 5, 7, 9 and 15 of this resolution,
- d) to consider and decide upon requests for exemptions set out in paragraphs 6, 8, 10 and 14(e) above,
- e) to determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraph 4 above,
- f) to designate additional individuals and entities subject to the measures imposed by paragraphs 7 and 9 above,
- g) to promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution and include in such guidelines a requirement on States to provide information where possible as to why any individuals and/or entities meet the criteria set out in paragraphs 7 and 9 and any relevant identifying information,
- h) to report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 4, 5, 7, 9, and 15 above;

17. Expresses the conviction that the suspension set out in paragraph 3 above as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors, would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purpose, underlines the willingness of the international community to work positively for such a solution, encourages Iran, in conforming to the above provisions, to re-engage with the international community and with the IAEA, and stresses that such engagement will be beneficial to Iran;

18. Encourages Iran, in particular, to engage with the proposals of China, France, Germany, the Russian Federation, the United Kingdom and the United States, with the support of the European Union's High Representative, which were endorsed by the Security Council in resolution 1696 (2006), for a long-term comprehensive arrangement which would allow for the development of relations and cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme (S/2006/521);

19. Reiterates its determination to reinforce the authority of the IAEA process, strongly supports the role of the IAEA Board of Governors, commends and encourages the Director General of the IAEA and its secretariat for their ongoing professional and impartial efforts to resolve all remaining outstanding issues in Iran within the framework of the IAEA, underlines the necessity of the IAEA continuing its work to clarify all outstanding issues relating to Iran's nuclear programme;

20. Requests within 30 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in this resolution, as well as on the process of Iranian compliance with all the steps required by the IAEA Board and with the other provisions of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

21. Affirms that it shall keep Iran's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed, in light of Iran's compliance with the provisions of the resolution;

22. Expresses its intention, in the event that Iran has not complied with this resolution, then to adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

23. Confirms that such additional measures will not be necessary in the event that Iran complies with this resolution;

24. Decides to remain seized of the matter.

\$(end_quote}