



Australian Government

Australian Government response to the
Senate Foreign Affairs, Defence and Trade References
Committee report:
Partial suspension of sanctions against Iran

MARCH 2017

Senate Foreign Affairs, Defence and Trade References Committee

Partial suspension of sanctions against Iran

Tabled 4 May 2016

Government Response to the Committee's Recommendations

The partial suspension and subsequent repeal of certain autonomous sanctions in relation to Iran following 'Implementation Day' of the United Nations Security Council endorsed Joint Comprehensive Plan of Action on 16 January 2016, followed proper process and was consistent with relevant legislative requirements. The Government accepts there is some scope for the Department of Foreign Affairs and Trade to enhance the clarity and accessibility of information on its website regarding sanctions and Iran.

Recommendation 1

The committee recommends that the Australian Government issue a statement that affirms the human rights values it subscribes to, and seeks to promote domestically and internationally, and its condemnation of terrorist activities and military aggression, and affirms that Australia continues to hold concerns over the domestic and foreign policies of the Iranian regime. The committee also recommends that the Australian Government continue to make such statements as appropriate, particularly when it considers Iran has transgressed those principles, including in relation to its ballistic missile activity.

Response:

The Government does not accept the premise upon which this recommendation is based, and rejects the call for a special statement affirming human rights values in the context of engaging Iran. Australia has been forthright in expressing its concerns about human rights in Iran, both directly with the Iranian Government, and before the United Nations. Likewise, the Australian Government has consistently raised concerns about Iranian behaviour internationally, including in relation to ballistic missile tests. See, for example, the remarks made by Foreign Minister Julie Bishop during her joint press conference with Iranian Foreign Minister Mohammad Javad Zarif on 15 March 2016.

Recommendation 2

The committee recommends that the Minister for Foreign Affairs carefully consider the value of undertaking public consultation on any changes to Australia's autonomous sanctions regimes, including in instances where the obligations on parties are removed or reduced.

Response:

The Government agrees that it is a responsibility of the Minister for Foreign Affairs to consider the merits of public consultation on any changes to laws within the Minister's portfolio, including in relation to the removal or reduction of sanctions. The requirements for public consultation may vary depending on the circumstances and nature of the proposed changes. However, the Government rejects the suggestion that a different approach should have been taken to public consultation in this case.

Recommendation 3

The committee recommends that the Department of Foreign Affairs and Trade publish on its website a detailed statement explaining the change in Australia's sanctions policy towards Iran, including why sanctions relief was granted to particular activities, persons and entities and not others.

Response

The Government rejects this recommendation. Ms Bishop's media release of 17 January 2016 made clear the basis upon which sanctions against Iran were being lifted, and the level of detail provided was sufficient for the purpose. A more detailed explanation of the policy rationale, provided by the Department of Foreign Affairs and Trade as a formal Submission to this Inquiry, is publicly available on the Committee's website.

Recommendation 4

The committee recommends that the Department of Foreign Affairs and Trade clarify the threshold for the reimposition of autonomous sanctions against Iran and the mechanism by which sanctions would be reimposed.

Response

The Government rejects this recommendation. The notion of a predetermined threshold for the reimposition of autonomous sanctions against Iran ignores the importance of assessing the strategic environment and circumstances at the time of such a decision. It is the prerogative of the government of the day, with advice from the Department of Foreign Affairs and Trade, to determine whether specific sanctions measures are in the national interest.

Recommendation 5

The committee recommends that the Australian Government undertake a review of all sanctions it has removed in relation to Iran to determine whether such removal is compatible with Australia's interests, values and principles, and not just whether it follows the approach of the European Union. This should include considering the approach that the United States has taken on sanctions with respect to Iran. Following such a review, the committee recommends that the Australian Government present a written report on the review to Parliament.

Response

The Government rejects this recommendation. As outlined in DFAT's Submission to this Inquiry, the approach to the partial suspension and subsequent repeal of sanctions in relation to Iran followed proper procedure; was consistent with relevant legislation; and was the approach that best served Australia's national interest. It also was consistent with the call within United Nations Security Council Resolution 2231 (which endorsed the Joint Comprehensive Plan of Action or JCPOA) for all UN member States to take such actions as may be appropriate to support the implementation of the JCPOA.

Recommendation 6

The committee recommends that the Department of Foreign Affairs and Trade improve the clarity and accessibility of information on its website on Iran. This should include information on trade which is still restricted or prohibited, and a summary of other international sanctions regimes.

Response

The Government accepts this recommendation in part. The Department of Foreign Affairs and Trade is taking steps to improve the clarity and accessibility of information on its website in relation to sanctions, including those in relation to Iran. The Government notes that the DFAT website already includes appropriate information on trade which is restricted or prohibited.

The Government rejects the recommendation that the DFAT website include a summary of other international sanctions regimes. The Government does not consider that DFAT should be responsible for analysing the regimes of other countries and for keeping such analysis current. However, the DFAT website draws attention to the existence of other international sanctions regimes and the need for Australian individuals and companies to comply with those sanctions.