



THE UNIVERSITY  
*of* ADELAIDE

# Legal Compliance Education and Awareness

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## International Sanctions

(Commonwealth)

[adelaide.edu.au](http://adelaide.edu.au)

*seek* LIGHT

# What are Sanctions?

- Sanctions are measures taken by governments that impose restrictions on certain activities involving particular countries, goods and services, or persons and entities
- They may involve a complete or partial interruption of economic relations with **countries** or with **organisations** or **groups of people**
- Sanctions provide an alternative to direct military action in situations of significant international concern

The Australian Government imposes two main types of sanctions:

1. **Multilateral sanctions** based on United Nations Security Council (UNSC) resolutions
2. **Autonomous sanctions** which may supplement UN sanctions or address a specific external affairs concern

# What do Sanctions do?

Sanctions may include enforceable constraints or directives intended to:

- Embargo the supply of military or strategic goods
- Restrict public financial assistance for trade or investment with a sanctioned country
- Prohibit certain financial transactions
- Restrict travel
- Prevent access to goods, such as items with a military or paramilitary application, or items with an application in nuclear, chemical or biological weapons programs
- Prevent access to services, such as technical training, advice, services or assistance related to the supply, manufacture, maintenance or use of specific goods

# Sanctions Legislation

Sanctions are authorised under the following Commonwealth laws:

- [Charter of the United Nations Act 1945 \(Cth\)](#)
- [Autonomous Sanctions Act 2011 \(Cth\)](#)
- [Autonomous Sanctions Regulations 2011 \(Cth\)](#)

## *Australian Foreign Policy*

The Australian Government uses sanctions to fulfil obligations under international law and as a matter of foreign policy

The [Department of Foreign Affairs and Trade \(DFAT\)](#):

- administers sanctions authorised under these Acts;
- provides information and advice on sanctions regimes; and,
- maintains the [Consolidated List](#) of persons and entities who are subject to targeted financial sanctions or travel bans

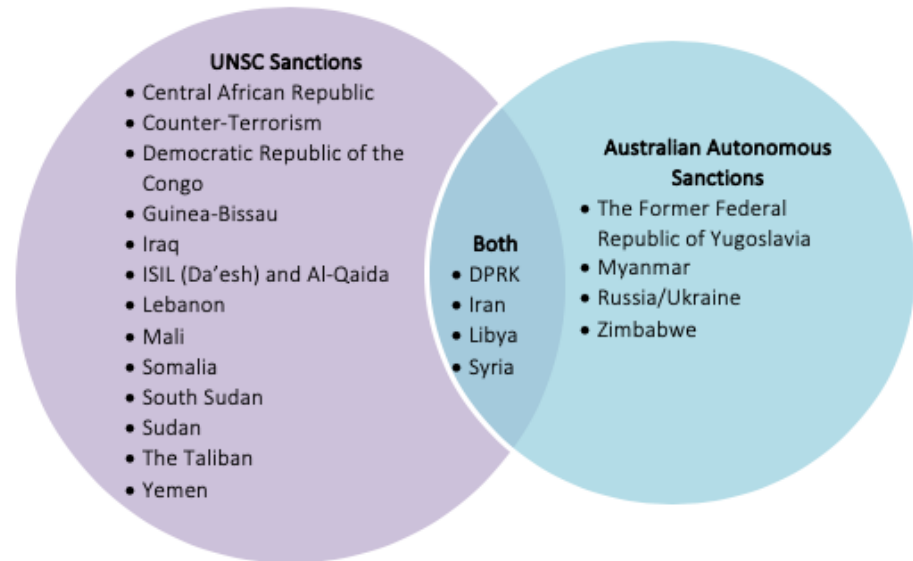
Anyone can subscribe to the [DFAT sanctions update alert service](#)

# What are Sanctions Regimes?

Australia implements two types of **sanctions regimes**:

1. **United Nations sanctions regimes** - authorised by the United Nations Security Council
  2. **Australian autonomous sanctions regimes** – authorised by the Minister for Foreign Affairs
- Full details of the sanctions regimes are available from the [DFAT website](#)

### *Overview of current sanctions regimes*



**Source:** Department of Foreign Affairs and Trade website accessed 4 November 2020

# What are Sanctions Regimes? (cont.)

- The **scope** of the sanctions regime may include an entire country and its public and private institutions (such as the sanctions applied to Iran) or groups and individuals engaged in an activity (such as the sanctions applied to the Taliban)
- The **type** of sanctions applied will fall into the following general categories:
  - Unauthorised supply, sale or transfer of goods, including weaponry and/or other specific goods depending on the country
  - Unauthorised provision of any technical training or assistance related to the provision, manufacture, maintenance or use of arms or related materiel
  - Use or dealing with the assets of, and the making available of assets to, persons and entities on the [Consolidated List](#)
  - The entry or transit through Australia of persons on the [Consolidated List](#)
- **Consult the [DFAT website](#) to ensure awareness of current sanctions regimes**



# How do Sanctions impact the University?

- The [Autonomous Sanctions Act 2011 \(Cth\)](#) prohibits the University from engaging in certain activities and places restrictions on the University's interaction with [persons and organisations](#) associated with sanctions regimes or people or organisations included on the [Consolidated List](#)
- The University **must take reasonable precautions and exercise due diligence** to prevent any breach of Sanctions Laws
  - *This includes activities undertaken offshore*

Researchers should also consider their obligations under the [Customs Act](#) and the [Defence Trade Controls Act](#). These Acts prohibit the export of defence and strategic goods to many countries without licence. This includes the export of “intangible” goods – for instance, the electronic transfer to an overseas person of technical information that might assist in the development of strategic technologies.

For more information, contact Research Branch

# How do Sanctions impact the University? (cont.)

Areas of specific risk for the University and affiliated entities where particular caution should be exercised, include;

- **Acceptance of tuition fees** from a person or group specified on the Consolidated List
- **Provision of technical training or advice**, including the development of software, in areas which may be related to, or will enhance, military activity or equipment
- **Scientific research** in areas that may relate to the development of military capacity including biological or nuclear weapons
  - In the case of Iran, the sanctions applied extend to technical assistance with a broad range of chemical and biological agents
  - Consideration should be given to the development of technologies with “dual use” capabilities: such as, sensing equipment; lasers; protection materials
- **Collaborative projects or exchanges** with other universities not subject to Australian sanctions regimes
- Consideration should be given to possible restrictions on the **transfer of funds or equipment or intangible assets** such as intellectual property



# Operationally, how is the University affected?

- The University is prohibited from providing access to specific types of training, services and resources to individuals, entities and specified countries
- The University is prohibited from enrolling students from certain countries in courses such as;
  - courses involving military activities such as ballistic or other similar military weapons
  - nuclear sciences; and
  - some aviation courses, such as avionics

**This includes many courses provided through the Faculties of Sciences and Engineering, Computer and Mathematical Sciences**

- The University is prohibited from accepting payment of tuition fees from persons connected with named individuals or named financial institutions
- The University is prohibited from allowing PhD students, academics and research staff of certain countries, to access facilities where certain courses are conducted or where this type of research is carried out,
  - including, casual, informal or “walk-in” access

# Impact on Student Enrolment

- Precautions must be taken in the administration of enrolments for any person from a country subject to sanctions
- Particular attention should be given where technical training is provided in areas associated with the provision, manufacture, maintenance or use of weaponry or related materiel
  - This may require consideration of student access to specific areas or databases**
- Particular attention should be given to the payment of any fees through international financial intuitions to ensure that they do not originate from persons and entities on the [Consolidated List](#)

## Who can help?

- The [Adelaide Graduate Centre](#) can assist with the assessment of Higher Degree by Research applicants

# Impact on Research

- Precautions must be taken in providing any technical training or collaborating with others in areas associated with the provision, manufacture, maintenance or use of weaponry or related material
- Control measures should be considered for any activities in the broad discipline areas of science, manufacturing and physics that may provide access to intellectual property or research outputs to persons and entities on the [Consolidated List](#)
- Consideration should also be given for any research projects that use or develop software with application to the nuclear, military, gas, oil, petrochemical, naval, aviation, financial and construction industries
- In the case of a visiting academic who does not have Australian citizenship or permanent residency, an assessment should be undertaken by the host area of any sanctions regimes that may impact on the visit

## Impact on Research (cont.)

- Consideration should also be given for any research projects that use or develop software with application to the nuclear, military, gas, oil, petrochemical, naval, aviation, financial and construction industries
- In the case of a visiting academic who does not have Australian citizenship or permanent residency, an assessment should be undertaken by the host area of any sanctions regimes that may impact on the visit.
- Research funded by overseas agencies or partners may be further impacted by autonomous sanctions regimens imposed by their national governments. Financial transactions may be audited by those governments. You should check to see if your agreement could impose sanction restrictions in addition to those already applied by the UN or Australian.

# Impact on Travel

University travellers:

- Travellers must understand and comply with international sanctions which apply to the country they are visiting. Particular attention should be given where individuals are delivering technical training in areas associated with the provision, manufacture, maintenance or use of weaponry or related material
- The University's travel insurer may have limited ability to provide assistance in countries where sanctions regimes apply including those of other jurisdictions, in particular [US sanctions programs](#). Please contact the [Legal and Risk Branch](#) for further information
- You should also consider DFAT's country specific travel advice and obtain authorisation via the [high risk travel approval process](#) if you intend to travel to a level designated by DFAT as Level 3 – Reconsider your need to travel or Level 4 – Do not travel.

## Impact on Travel (cont.)

International visitors to the University:

- Restrictions apply to certain persons and entities entering Australia (refer to the [Consolidated List](#))
- Particular attention should be given where individuals are visiting the University to collaborate in areas involving provision, manufacture, maintenance or use of weaponry or related material
- Where travel is funded by overseas bodies, consideration should be given to the payment of any fees through international financial institutions to ensure that they do not originate from persons and entities on the [Consolidated List](#)

# How might the University breach these Sanctions?

- An Iranian student is enrolled in an Engineering course that allows access to facilities where Defence Science and Technology Organisation (DSTO) research is being undertaken
- A researcher presents on research findings about electronic systems used in aviation and satellites at a conference in Zimbabwe
- The University enters into an agreement with a company in Sudan to provide software that assists in the detection of radar
- A researcher with an employment history in organisations on the [Consolidated List](#) is hired in the School of Chemistry & Physics

**Such breaches can be avoided by being aware of the scope and type of sanctions regimes in place and responding accordingly**



# What can happen if I don't comply?

- Contravening Australian sanctions laws is serious and may be a **criminal offence**
  - It may also constitute a **strict liability offence** meaning that intention does not excuse an unlawful action
- [Penalties](#) include substantial fines to individuals and organisations and imprisonment for up to ten years for individuals where false or misleading information is provided
- There are also reputational consequences from any breaches of legislative obligations
- In **limited circumstances**, the University may engage in an activity that would otherwise contravene the Sanctions Laws, provided a permit from DFAT or the relevant authority has first been obtained
- The University may have a defence if it is able to show that it took reasonable precautions and exercised due diligence to avoid contravening the relevant sanctions law

# Additional Resources - internal

- Kim Evans, Senior Legal Counsel
  - [kim.evans@adelaide.edu.au](mailto:kim.evans@adelaide.edu.au)
  - 8313 6103
- [Office of Research Ethics, Compliance & Integrity](#) (website)
  - For queries relating to the impact of sanctions and trade controls on research activity
  - [recu@adelaide.edu.au](mailto:recu@adelaide.edu.au)
- [Adelaide Graduate Centre](#) (website)
  - For queries regarding sanctions and student enrolment
  - [agc.international@adelaide.edu.au](mailto:agc.international@adelaide.edu.au)
- [Admissions to Coursework Programs Policy](#)
  - Re: Discretion to refuse admission to a course or program applicant
- [Legal and Risk Helpdesk](#)
  - For queries about insurance for travel to sanctioned countries

# Additional Resources - external

- [Department of Foreign Affairs and Trade \(DFAT\)](#) (website)
  - For detailed information about all current sanctions regimes
  - [sanctions@dfat.gov.au](mailto:sanctions@dfat.gov.au)
  - [Trading with Integrity](#) (YouTube video – March 2014)
- DFAT [Consolidated List](#) (persons and entities who are subject to targeted financial sanctions or travel bans)
- [Autonomous Sanctions Act 2011 \(Cth\)](#)
- [Autonomous Sanctions Regulations 2011 \(Cth\)](#)
- [Charter of the United Nations Act 1945 \(Cth\)](#)



# Disclaimer

The content of this material is intended only to provide a summary & general overview of Sanctions Law as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.