

FACT SHEET:
THE 1737 COMMITTEE AND ITS PANEL OF EXPERTS

This document aims to explain the respective roles of the 1737 Committee¹ and its Panel of Experts in investigating and responding to reported sanctions violations, and to provide information helpful to UN Member States that encounter such violations.

The 1737 Committee

A. General

1. Named after the 2006 Security Council resolution that established it, the 1737 Committee is a committee of the UN Security Council that has a mandate, inter alia, to monitor implementation of the measures imposed in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010) relating to the Islamic Republic of Iran, examine and take appropriate action on information regarding alleged violations of these measures, to designate additional individuals and entities and make recommendations to strengthen the effectiveness of the imposed measures. A hand-out describing the provisions of the relevant resolutions is available on the Committee's web site.
2. The Security Council normally creates a new committee each time it imposes a new sanctions regime; there are currently ten such committees. The 1737 Committee consists of the same fifteen States that sit on the Security Council and makes decisions by consensus. The current chair of the Committee is the Permanent Representative of Japan to the UN, Ambassador Tsuneo Nishida. The UN Secretariat assists the work of the Committee by providing substantive support and secretariat services. The Secretariat of the Committee can be contacted by e-mail at: SC-1737-Committee@un.org.

B. Examine and Take Appropriate Action on Violations

3. After a State discovers a sanctions violation (or has information that provides reasonable grounds to believe that a sanctions violation has occurred), it should submit a report to the 1737 Committee as soon as possible. Sanctions violations may occur when activities or transactions proscribed by the Security Council resolutions are undertaken or attempts are made to engage in proscribed transactions or activities, whether or not the transaction or activity has been completed. These reports, which may be submitted confidentially, should describe in as much detail as possible the circumstances of the incident and whether cooperation was provided, note which Security Council resolution provisions were violated and describe the actions that the State has taken, including actions to seize and dispose of any contraband items. If the violation is discovered by means of an inspection conducted pursuant to paragraphs 14 or 15 of resolution 1929, then the report must be submitted to the Committee within five working days. A subsequent written report containing relevant details on the inspection, seizure and

¹ The formal name of the Committee reads as follows: Security Council Committee established pursuant to resolution 1737 (2006). The Committee's web site is available at: <http://www.un.org/sc/committees/1737/index.shtml>.

disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, is also required if this information is not in the initial report;

4. After learning of an alleged sanctions violation, the Committee may write letters to all the States involved in the incident to request additional information. For example, the Committee may write to a State whose nationals or flag vessels have been found transferring proscribed items in violation of UN sanctions. These letters are intended to determine or clarify the facts of the case and to assist the Committee in the formulation of recommendations for all Member States. All States are encouraged to respond promptly to requests from the Committee for information.

5. The Committee may receive assistance from its Panel of Experts in compiling and analyzing the facts and circumstances of sanctions violations and determining an appropriate response.

6. After having reviewed the available information, with the assistance of its Panel of Experts if necessary, the Committee may then take action to respond to the incident. For example, the Committee could provide Member States updated guidance about newly identified threats or patterns of sanctions violations. The Committee also informs the Security Council of sanctions violations, normally during the chair's regularly-scheduled briefings to the Council given every ninety days. The Security Council may then also discuss the incident further and consider ways to tighten enforcement. All of the Committee's 90-day reports are available on the Committee's web site.

The Panel of Experts

A. General

7. Security Council resolution 1929 (2010) established a Panel of Experts (POE) to help the 1737 Committee carry out its mandate, including, under the direction of the Committee, to monitor and improve sanctions implementation. The Security Council normally creates such expert panels to support sanctions committees. These panels are mandated to provide neutral, fact-based assessment and analysis, as well as recommendations to improve implementation. UN sanctions expert groups currently exist for UN sanctions regimes on Côte d'Ivoire, Liberia, the Democratic People's Republic of Korea (DPRK), the Democratic Republic of the Congo (DRC), Somalia/Eritrea, Sudan and the 1267 Al-Qaeda/Taliban regime. The members of these expert groups are appointed by the UN Secretary-General in consultation with the relevant sanctions committee. The POE for the 1737 Committee can be contacted by e-mail at: poe1929@un.org.

B. Gather, Examine and Analyze Information

8. The POE acts under the direction of the 1737 Committee, with certain administrative support provided by the Secretariat. The Security Council has mandated the POE to perform a number of tasks, including to “gather, examine and analyse 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 [1929 (2010)], in particular incidents of non-compliance”. Its offices are located in New York, although POE members travel regularly to exchange information with governments. The team consists of eight members with specialized technical backgrounds in relevant fields, such as non-proliferation, export control/nuclear items, missile technology, conventional arms, and so forth.

9. The POE also supports other Committee efforts, including outreach to Member States on issues regarding sanctions implementation, monitoring of sanctions implementation and analysis of trends and “best practices” regarding sanctions enforcement.

10. The Security Council has urged “all States...to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and [1929 (2010)], in particular incidents of non-compliance”. States are encouraged to respond promptly and thoroughly to such requests for information and invite the POE, if necessary, to visit and inspect any items that may have been seized by national authorities.

11. Because sanctions violations often involve multiple States, the POE may need to compile information from many sources to determine the full circumstances of a violation. In a final stage, the POE may submit to the Committee an “Incident Report” that will lay out the factual record of the incident, provide analysis and make recommendations for a Committee response. These incident reports are confidential to the Committee.

12. The POE provides to the Security Council an interim report on its work no later than 90 days after its appointment, and a final report to the Security Council no later than 30 days prior to the termination of its mandate with its findings and recommendations.

Special Considerations: Facilitating Cooperation

13. The Committee and the POE are aware that sanctions violations often have complex – and sometimes delicate – political and legal ramifications. The Committee and the POE are therefore committed to responding to these incidents with sensitivity and, when requested, strict confidentiality. On request, the POE will make every effort to ensure that its visits do not bring unwarranted attention to the reporting State or other States involved in a sanction violation. The Committee and the POE further recognize

that sometimes States may be unable or unwilling to share information that may reveal sensitive intelligence sources and methods.

14. The Committee stands ready to provide information or additional guidance as may be requested by Member States. Although the responsibility for implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010) rests with Member States, the Committee seeks to support and assist States in carrying out these obligations. Comprehensive and effective implementation by each UN Member State of the measures contained in the relevant resolutions is an important and necessary contribution to the effectiveness of the measures. Furthermore, full implementation of these resolutions – including, when necessary, close cooperation with the Committee and the POE – is called for by paragraph 30 of resolution 1929 (2010), which notes in particular the importance of supplying information on the implementation of the measures decided in these resolutions, and in particular information concerning incidents of non-compliance. Such cooperation is a hallmark of responsible membership in the international community.

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