

**Security Council Committee established  
pursuant to resolution 1718 (2006)**

17 April 2018

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**Fact Sheet compiling certain measures imposed by Security Council**

**resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016),  
2356 (2017), 2371 (2017), 2375 (2017), and 2397 (2017)**

This fact sheet compiles certain measures with respect to the Democratic People's Republic of Korea (DPRK), imposed by Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017), to assist Member States in the implementation of the resolutions. This fact sheet seeks to summarise and consolidate the measures, but is not intended to substitute or replace the language, in these resolutions. This fact sheet is an informal compilation and for reference only, without prejudice to Member States' national implementation in accordance with relevant resolutions.

All notifications and requests for exemptions can be sent to the Committee established pursuant to resolution 1718 (hereafter "the Committee") at [sc-1718-committee@un.org](mailto:sc-1718-committee@un.org). The procedures for such submissions are included in the Committee's Guidelines, which can be found on the Committee's website.<sup>1</sup>

The 1718 Sanction List of entities and individuals subject to assets freeze and/or travel ban is available on the Committee's website.<sup>2</sup> The Security Council and the Committee may designate any individuals for a travel ban and any individuals and entities for an assets freeze that have contributed to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by the resolutions or to the evasion of measures imposed by the resolutions.<sup>3</sup> The Security Council directed the Committee to update the information contained on the 1718 Sanctions List, including new aliases and front companies, and directed the Committee to complete this task within 45 days of the adoption of resolution 2270 (2016) and every twelve months thereafter.<sup>4</sup>

Paragraph 26 of resolution 2397 (2017) reaffirms its support to the Six Party Talks, calls for their resumption, and reiterates its support for the commitments set forth in the Joint Statement of 19 September 2005 issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation, and the United States, including that the goal of the Six-Party Talks is the verifiable denuclearization of the Korean Peninsula in a peaceful manner, that the United States and the DPRK undertook to

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<sup>1</sup> <https://www.un.org/sc/suborg/en/sanctions/1718>.

<sup>2</sup> <https://www.un.org/sc/suborg/en/sanctions/1718/materials>.

<sup>3</sup> See resolution 1718 (2006), paragraphs 8 (e) and (d); resolution 2094 (2013), paragraph 27; resolution 2270 (2016), paragraph 43.

<sup>4</sup> See resolution 2270 (2016), paragraph 45.

respect each other's sovereignty and exist peacefully together, and that the Six Parties undertook to promote economic cooperation, and all other relevant commitments.<sup>5</sup>

Paragraph 27 of resolution 2397 (2017) reiterates the importance of maintaining peace and stability on the Korean Peninsula and in north-east Asia at large, and the commitment of the Security Council to a peaceful, diplomatic and political solution to the situation and welcomes efforts by Committee members as well as other States to facilitate a peaceful and comprehensive solution through dialogue and stresses the importance of working to reduce tensions in the Korean Peninsula and beyond.<sup>6</sup>

Paragraph 27 of resolution 2397 (2017) urges further work to reduce tensions so as to advance the prospects for a comprehensive settlement.<sup>7</sup>

Paragraph 2 of resolution 2397 (2017) underscores the imperative of achieving the goal of complete, verifiable and irreversible denuclearization of the Korean Peninsula in a peaceful manner.<sup>8</sup>

## **I. Arms and related materiel embargo**

### *a) Export to the DPRK*

States shall prevent the direct or indirect supply, sale, or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of **all arms and related materiel**, including **small arms and light weapons and their related materiel**.<sup>9</sup>

### *b) Export by the DPRK*

The DPRK shall cease the export of **all arms and related materiel**, and States shall prohibit the procurement of such arms and related materiel from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK.<sup>10</sup>

### *c) Conventional arms – repair*

States shall prevent **the shipment of items to or from the DPRK for repair**, servicing, refurbishing, testing, reverse-engineering, and marketing, regardless of whether ownership or control is transferred.<sup>11</sup>

### *d) Conventional arms – dual use*

States shall prevent the direct or indirect supply, sale, or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their

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<sup>5</sup> See resolution 2397 (2017), paragraph 26.

<sup>6</sup> See resolution 2397 (2017), paragraph 27.

<sup>7</sup> See resolution 2397 (2017), paragraph 27.

<sup>8</sup> See resolution 2397 (2017), paragraph 2.

<sup>9</sup> See resolution 1718 (2006), paragraph 8 (a) and resolution 2270 (2016), paragraph 6.

<sup>10</sup> See resolution 1718 (2006), paragraph 8 (b) and resolution 1874 (2009), paragraph 9.

<sup>11</sup> See resolution 2270 (2016), paragraph 7.

territories, of additional items set out in the **list of conventional arms dual-use items** which is to be updated every 12 months.<sup>12</sup>

## II. **Embargo on items, materials, equipment, goods and technology relevant to nuclear-, ballistic missile-, and other weapons of mass destruction-related programmes**

States shall prevent the direct or indirect supply, sale or transfer **to the DPRK**, through their territory or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

- Items relevant to **nuclear-related programmes** set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2;<sup>13</sup>
- Items relevant to **ballistic missile-related programmes** set out in S/2014/253;
- Items relevant to **other weapons of mass destruction-related programmes** set out in S/2006/853 and S/2006/853/Corr.1;
- Additional items, materials, equipment, goods and technology that could contribute to DPRK's nuclear-, ballistic missile- and other weapons of mass destruction-related programmes, determined by the Security Council or the Committee.<sup>14</sup>

States shall also prohibit the procurement of all the above **from the DPRK** by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK.<sup>15</sup> The Security Council reaffirmed that resolution 1540 (2004) obligates all States to take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials, and notes that these obligations are complementary to the obligations in the resolutions to prevent the direct or indirect supply, sale or transfer to the DPRK of items, materials, equipment, goods and technology which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes.<sup>16</sup>

## III. **Catch-all provisions related to prohibited items**

### a) *Arms and related materiel catch-all provision*

The measures imposed by the arms and related materiel embargo shall also apply to any item, except food or medicine, if the state determines that such item could directly contribute to the development

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<sup>12</sup> Approved by the Committee pursuant to paragraph 7 of resolution 2321 (2016), paragraph 5 of resolution 2371 (2017), and paragraph 5 of and resolution 2375 (2017). See [S/2016/1069](#), [S/2017/760](#) and [S/2017/829](#) on the website of the Committee at <https://www.un.org/sc/suborg/en/sanctions/1718/prohibited-items>.

<sup>13</sup> Available with S/2014/253, S/2006/853 and S/2006/853/Corr.1 on the website of the Committee at <https://www.un.org/sc/suborg/en/sanctions/1718/prohibited-items>

<sup>14</sup> See resolution 1718 (2006), paragraph 8 (a) (ii), resolution 2094 (2013), Annex III, resolution 2321 (2016), Annex III and resolution 2371 (2017), paragraph 4. See also S/2017/822, approved by the Committee pursuant to paragraph 4 of resolution 2375 (2017), on the website of the Committee at <https://www.un.org/sc/suborg/en/sanctions/1718/prohibited-items>.

<sup>15</sup> See resolution 1718 (2006), paragraph 8 (b).

<sup>16</sup> See resolution 2321 (2016), paragraph 37.

of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK.

This provision shall cease to apply to the supply, sale or transfer of an item, or its procurement, if:

- The State determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will be used by DPRK individuals or entities to generate revenue, and also not related to any activities prohibited by the resolutions, provided that the State notifies the Committee in advance of such determination and also informs the Committee of measures taken to prevent the diversion of the item for such other purposes, or
- The Committee has determined on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of the resolutions.<sup>17</sup>

b) *Dual-use catch-all provision*

States shall prevent the direct or indirect supply, sale or transfer to or from the DPRK or its nationals, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories of **any item if the State determines that such item could contribute to** the DPRK's nuclear or ballistic missile programmes or other weapons of mass destruction programmes, other activities prohibited by the resolutions or to the evasion of measures imposed by the resolutions (hereafter "evasion of sanctions").<sup>18</sup>

c) *Determined by State catch-all provision*

The resolutions also prohibit the transfer of **any items if a State relevant to a transaction has information** that provides reasonable grounds to believe that a designated individual or entity is the originator, intended recipient or facilitator of the item's transfer.<sup>19</sup>

#### IV. **Ban on certain financial transactions, technical training, advice, services or assistance**

States shall prevent any transfers **to the DPRK** by their nationals or from their territories, or **from the DRPK** by its nationals or from its territory, of financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the following items:<sup>20</sup>

- Arms and related materiel;
- Items, materials, equipment, goods and technology relevant to nuclear-, ballistic missile-, or other weapons of mass destruction-related programmes (see section II above for details);
- Any item if the State determines that such item could contribute to the DPRK's prohibited programmes or activities or to the evasion of sanctions.

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<sup>17</sup> See resolution 2270 (2016), paragraph 8.

<sup>18</sup> See resolution 2270 (2016), paragraph 27.

<sup>19</sup> See resolution 2087 (2013), paragraph 9.

<sup>20</sup> See resolution 1718, paragraph 8 (c); resolution 1874 (2009), paragraphs 9 and 10; resolution 2094 (2013), paragraphs 7, 20, and 22; and resolution 2270 (2016), paragraph 6.

These measures **also apply to brokering or other intermediary services**, including when arranging for the provision, maintenance or use of prohibited items in other States or the supply, sale or transfer to or exports from other States.<sup>21</sup>

States are also prohibited from engaging in the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training.<sup>22</sup>

#### V. **Proliferation networks**

States shall expel DPRK diplomats, government representatives, other DPRK nationals acting in a governmental or representative office capacity, and foreign nationals that are working on behalf or at the direction of a designated individual or entity or of an individual or entity assisting in sanctions evasions or violating the resolutions or of an individual working on behalf of or at the direction of a DPRK bank or financial institution for the purpose of repatriation to the DPRK or to the individual's state of nationality respectively, consistent with applicable national and international law, provided that these measures shall not impede the transit of representative of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business. These measures shall not apply with respect to a particular individual if:

- The presence of the individual is required for fulfilment of judicial process;
- The presence of the individual is required exclusively for medical, safety or other humanitarian purposes; or
- The Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of the resolutions.<sup>23</sup>

States shall close the representative offices of designated entities and prohibit such entities, as well individuals or entities acting for or on their behalf, directly or indirectly, from participating in joint ventures or any other business arrangements.<sup>24</sup>

States are called upon to exercise enhanced vigilance over DPRK diplomatic personnel so as to prevent such individuals from contributing to the DPRK's prohibited programmes or activities, or to the evasion of sanctions.<sup>25</sup>

#### VI. **Ban on specialized teaching and training and suspension of scientific and technical cooperation**

States shall prevent **specialized teaching or training** of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines.<sup>26</sup> Such specialized teaching or training includes, but is not limited to advanced materials

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<sup>21</sup> See resolution 2094 (2013), paragraph 7.

<sup>22</sup> See resolution 1874 (2009), paragraph 9; and resolution 2270 (2016), paragraph 9.

<sup>23</sup> See resolution 2270 (2016), paragraphs 13 and 14; and resolution 2321 (2016), paragraph 33.

<sup>24</sup> See resolution 2270 (2016), paragraph 15.

<sup>25</sup> See resolution 2094 (2013), paragraph 24.

<sup>26</sup> See resolution 2270 (2016), paragraph 17.

science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering.<sup>27</sup>

States shall suspend **scientific and technical cooperation** involving persons or groups officially sponsored by or representing the DPRK **except for medical exchanges unless**:

- a) In the case of scientific or technical cooperation in the fields of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods, **the Committee has determined on a case-by-case basis** that a particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes; or
- b) In the case of all other scientific or technical cooperation, the State engaging in scientific or technical cooperation determines that the particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic missile-related programmes and **notifies the Committee in advance** of such determination.<sup>28</sup>

## VII. Assets freeze

States shall, in accordance with their respective legal processes, freeze **the funds, other financial assets and economic resources** which are on their territories that are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee or by the Security Council. States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities.<sup>29</sup>

States shall also, in accordance with their respective legal processes, freeze all **the funds, other financial assets and economic resources**<sup>30</sup> outside of the DPRK that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the State determines are associated with the DPRK's nuclear or ballistic missile programs or other activities prohibited by the resolutions.

All States except the DPRK shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them.<sup>31</sup>

States shall also impose the assets freeze on the following:

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<sup>27</sup> See resolution 2321 (2016), paragraph 10.

<sup>28</sup> See resolution 2321 (2016), paragraph 11 (a) and (b).

<sup>29</sup> See resolution 1718 (2006), paragraph 8 (d).

<sup>30</sup> Paragraph 12 of resolution 2270 affirms vessels (including maritime vessels) as "economic resources". Annex III of the same resolution provides a list of vessels controlled or operated by the Ocean Maritime Management (OMM) at the time, as economic resources subject to the assets freeze measures (paragraph 23). The list of these vessels, with more identifying information, is available on the Committee website, at

[https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/vessels\\_list\\_-\\_e\\_final.pdf](https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/vessels_list_-_e_final.pdf).

<sup>31</sup> See resolution 2270 (2016), paragraph 32.

- Any individuals or entities acting on behalf of or at the direction of the designated individuals and entities;
- Entities owned or controlled by designated individuals and entities, including through illicit means.<sup>32</sup>

The assets freeze does not apply to financial or other assets or resources that have been determined by relevant States to be:

- Necessary for basic expenses, after notification to the Committee and in the absence of a negative decision by the Committee;<sup>33</sup>
- Necessary for extraordinary expenses, provided that such determination has been notified by the relevant States and has been approved by the Committee;<sup>34</sup>
- Subject of a judicial, administrative or arbitral lien or judgement, after the Committee has been notified;<sup>35</sup>
- In the case of assets outside of the DPRK that are owned or controlled by entities of the Government of the DPRK or the Worker’s Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the State determines are associated with the DPRK’s nuclear or ballistic missile programs or other activities prohibited by the resolutions:
  - Required to carry out activities of the DPRK’s missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK;
  - Required for the delivery of humanitarian assistance, denuclearization or any other purpose which is consistent with the objectives of the resolution 2270 (2016) and determined by the Committee in advance on a case-by-case basis;<sup>36</sup>

The assets freeze does not apply with respect to financial transactions with the DPRK Foreign Trade Bank or the Korea National Insurance Corporation, designated by resolution 2371 (2017), if such transactions are solely for the operation of diplomatic or consular missions in the DPRK or humanitarian assistance activities that are undertaken by, or in coordination with, the United Nations.<sup>37</sup>

### **VIII. Travel ban**

States shall prevent (restrict) the entry into or transit<sup>38</sup> through their territories of:

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<sup>32</sup> See resolution 2094 (2013), paragraph 8.

<sup>33</sup> See resolution 1718 (2006), paragraph 9 (a).

<sup>34</sup> See resolution 1718 (2006), paragraph 9 (b).

<sup>35</sup> See resolution 1718 (2006), paragraph 9 (c).

<sup>36</sup> See resolution 2270 (2016), paragraph 32.

<sup>37</sup> See resolution 2371 (2371), paragraph 26.

<sup>38</sup> For the purpose of implementing the resolutions, the term “transit” includes but is not limited to the travel of individuals through a State’s international airport terminals en route to a destination in another State, regardless of

- Individuals designated by the Security Council or the Committee together with their family members;<sup>39</sup>
- Individuals acting on behalf or at the direction of the designated individuals listed in annex I of resolution 2094 (2013); annex I of resolution 2270 (2016); annex I of resolution 2321 (2016); annex I of resolution 2356 (2017); annex I of resolution 2371 (2017); annex I of resolution 2375 (2017); and annex I of resolution 2397 (2017).<sup>40</sup>
- Members of the Government of the DPRK, officials of that Government, and members of the DPRK armed forces, **if a State determines** that such members or officials are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the resolutions.<sup>41</sup>
- Any individual whom **a State determines** is:
  - Acting on behalf or at the direction of a designated individual or entity;
  - Violating the provisions of the resolutions;
  - Assisting the evasion of sanctions;<sup>42</sup>
  - Traveling for the purposes of carrying out activities related to the shipment of prohibited items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering, and marketing.<sup>43</sup>

If such an individual is a DPRK national, then States shall expel the individual from their territories for the purpose of repatriation to the DPRK consistent with applicable national and international law, unless the presence of an individual is required for fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, provided that nothing shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters to conduct United Nations business.<sup>44</sup>

The travel ban does not apply to designated individuals and entities 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 the Committee concludes that an exemption would further the objectives of the resolutions.<sup>45</sup> States can submit requests for exemptions from the travel ban for designated individuals and entities following the instructions set out in the Committee Guidelines.

No aspect of the travel ban obliges a State to refuse its own nationals entry into its territory.

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whether such individuals pass through customs or passport control at that airport – see resolution 2321 (2016), paragraph 25.

<sup>39</sup> See resolution 1718 (2006), paragraph 8 (e); and resolution 2270 (2016), paragraph 11.

<sup>40</sup> See resolution 2094 (2013), paragraph 9; resolution 2270 (2016), paragraph 10; resolution 2321 (2016), paragraph 3, resolution 2356 (2017), paragraph 3, resolution 2371 (2017), paragraph 3, resolution 2375 (2017), paragraph 3, and resolution 2397 (2017), paragraph 3.

<sup>41</sup> See resolution 2321 (2016), paragraph 15.

<sup>42</sup> See resolution 2094 (2013), paragraph 10.

<sup>43</sup> See resolution 2270 (2016), paragraph 7.

<sup>44</sup> See resolution 2094 (2013), paragraph 10.

<sup>45</sup> See resolution 1718 (2006), paragraph 10.



## **IX. Financial measures**

### *a) Provision of financial services*

States shall prevent the provision of financial services 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, including bulk cash, and the clearing of funds through all Member States' territories, that could contribute to** the DPRK's prohibited programmes or activities, or to the evasion of sanctions, 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 associated with such programs or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation.<sup>46</sup>

The measures apply also to the transfers of cash and gold, including through cash and gold couriers, transiting to and from the DPRK, so as to ensure such transfers of bulk cash and gold do not contribute to the DPRK's prohibited programmes or activities, or to the evasion of sanctions.<sup>47</sup>

States are called upon to exercise enhanced vigilance in this regard, including by monitoring the activities of their nationals, persons in their territories, financial institutions, and other entities organized under their laws (including branches abroad) with or on behalf of financial institutions in the DPRK, or of those that act on behalf or at the direction of DPRK financial institutions, including their branches, representatives, agents and subsidiaries abroad.<sup>48</sup>

### *b) Opening of banking subsidiaries*

States shall prohibit in their territories the opening and operation of new branches, subsidiaries, or representative offices of DPRK banks and are also obliged to prohibit financial institutions within their territories or subject to their jurisdiction from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with DPRK banks, **unless such transactions have been approved by the Committee in advance**. Furthermore, States shall take the necessary measures to close such existing branches, subsidiaries and representative offices, and also to terminate such joint, ventures, ownership interests and correspondent banking relationships with DPRK banks within ninety days from the adoption of resolution 2270 (2016).<sup>49</sup>

States also shall prohibit financial institutions within their territories or subject to their jurisdiction from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK.<sup>50</sup>

States also shall take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days, **unless the Committee determines on a case-by-case basis** that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on

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<sup>46</sup> See resolution 2094 (2013), paragraph 11 and resolution 2371 (2017), paragraph 13.

<sup>47</sup> See resolution 2094 (2013), paragraph 14; and resolution 2270 (2016), paragraph 37.

<sup>48</sup> See resolution 2087 (2013), paragraph 6.

<sup>49</sup> See resolution 2270 (2016), paragraph 33.

<sup>50</sup> See resolution 2270 (2016), paragraph 34.

Diplomatic Relations (see section XIX) or the activities of the United Nations or its specialized agencies or related organizations, or for any other purposes consistent with the resolutions.<sup>51</sup>

c) *Joint ventures*

States shall prohibit, by their nationals or in their territories, the opening, maintenance, and operation of **all joint ventures or cooperative entities, new and existing**, with DPRK entities or individuals, whether or not acting for or on behalf of the government of the DPRK.

This provision shall not apply with respect to those joint ventures or cooperative entities, in particular those that are non-commercial, public utility infrastructure projects not generating profit, that have been approved by the Committee in advance on a case-by-case basis.

If such joint venture or cooperative entity has not been approved by the Committee on a case-by-case basis, States shall close any such existing joint venture or cooperative entity within 120 days of 11 September 2017. States shall close any such existing joint venture or cooperative entity within 120 days after the Committee has denied a request for approval.

This provision shall not apply with respect to existing **China-DPRK hydroelectric power infrastructure projects** and the **Russia-DPRK Rajin-Khasan port and rail project solely to export Russia-origin coal** as permitted by paragraph 8 of resolution 2371 (2017).<sup>52</sup>

d) *Provision of public financial support*

States shall prohibit public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade), **except as approved in advance by the Committee on a case-by-case basis**.<sup>53</sup>

e) *New commitments for grants, financial assistance or concessional loans*

States and international financial and credit institutions are called upon not to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK, except for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization. States are also called upon to exercise vigilance with a view to reducing current commitments.<sup>54</sup>

f) *Companies performing financial services*

Resolution 2371 (2017) clarifies that companies performing financial services commensurate with those provided by banks are considered financial institutions for purpose of implementing paragraph 11 of resolution 2094 (2013), paragraphs 33 and 34 of resolution 2270 (2016), and paragraph 33 of resolution 2321 (2016).<sup>55</sup>

## X. **Luxury goods embargo**

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<sup>51</sup> See resolution 2321 (2016), paragraph 31.

<sup>52</sup> See resolution 2375 (2017), paragraph 18.

<sup>53</sup> See resolution 2321 (2016), paragraph 32.

<sup>54</sup> See resolution 1874 (2009), paragraph 19.

<sup>55</sup> See resolution 2371 (2017), paragraph 13.

States shall prevent the direct or indirect supply, sale, or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, of **luxury goods**. The term “luxury goods” includes, but is not limited to, the items specified in Annex IV of resolution 2094 (2013), Annex IV of resolution 2270 (2016) and Annex IV of resolution 2321 (2016).<sup>56</sup>

In order to assist States in carrying out this obligation, the Committee has adopted an Implementation Assistance Notice (IAN #3) and has posted it on its website.<sup>57</sup>

## **XI. Sectoral sanctions**

The DPRK shall not supply, sell, or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, **coal, iron, iron ore, gold, titanium ore, vanadium ore, rare earth minerals, copper, nickel, silver, zinc, lead and lead ore, food and agricultural products (HS codes 12, 08, 07), machinery (HS code 84), electrical equipment (HS code 85), earth and stone including magnesite and magnesia (HS code 25), wood (HS code 44), and vessels (HS code 89)**. States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK.<sup>58</sup>

This provision shall not apply with respect to:

- a) **Coal** procurements that are notified by the exporting State to the Committee in advance and confirmed on the basis of credible information that the **coal has originated outside the DPRK** and was transported through the DPRK solely for export from the Port of Rajin (Rason), and that such transactions are unrelated to generating revenue for the DPRK’s nuclear or ballistic missile programs or other prohibited activities;<sup>59</sup>
- b) Sales and transactions of **iron and iron ore** for which written contracts had been finalized prior to 5 August 2017 and shipments are imported into States’ territories by 4 September 2017, with notification provided to the Committee containing all details on those imports by no later than 19 September 2017.<sup>60</sup>
- c) **Lead and lead ore** procurements for which written contracts had been finalized prior to 5 August 2017, with notification provided to the Committee containing details on those imports by no later than 19 September 2017.<sup>61</sup>
- d) **Food and agricultural products** (HS codes 12, 08, 07), **machinery** (HS code 84), **electrical equipment** (HS code 85), **earth and stone** including **magnesite** and **magnesia** (HS code 25), **wood** (HS code 44), and **vessels** (HS code 89), for which written contracts have been finalized prior to 22 December 2017, all States may only allow those shipments to be imported into

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<sup>56</sup> See resolution 2094 (2013), paragraph 23, resolution 2270 (2016), paragraph 39 and resolution 2321 (2016), paragraph 5.

<sup>57</sup> The IAN is available on the webpage of the Committee at:

[https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/implementation\\_assistance\\_notice\\_3\\_3.pdf](https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/implementation_assistance_notice_3_3.pdf).

<sup>58</sup> See resolution 2270 (2016), paragraph 30; resolution 2321 (2016), paragraph 28; resolution 2371 (2017), paragraphs 8 and 10; and resolution 2397 (2017), paragraph 6.

<sup>59</sup> See resolution 2371 (2017), paragraph 8.

<sup>60</sup> See resolution 2371 (2017), paragraph 8.

<sup>61</sup> See resolution 2371 (2017), paragraph 10.

their territories up to 21 January 2018 with notification provided to the Committee containing details on those imports by no later than 5 February 2018.<sup>62</sup>

All Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles and whether or not originating in their territories, of all **industrial machinery** (HS codes 84 and 85), **transportation vehicles** (HS codes 86 through 89), and **iron, steel, and other metals** (HS codes 72 through 83).<sup>63</sup>

This provision shall not apply with respect to the provision of spare parts needed to maintain the safe operation of DPRK commercial civilian passenger aircraft (currently consisting of the following aircraft models and types: An-24R/RV, An-148-100B, Il-18D, Il-62M, Tu-134B-3, Tu-154B, Tu-204-100B, and Tu-204-300).<sup>64</sup>

All Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories of **all condensates and natural gas liquids**. The DPRK shall not procure such materials.<sup>65</sup>

All Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in their territories, of **all refined petroleum products**. The DPRK shall not procure such products.<sup>66</sup>

This provision shall not apply with respect to:

- a) the direct or indirect supply, sale, or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in their territories, of **refined petroleum products**, including **diesel and kerosene**, in the aggregate amount of **up to 500,000 barrels** during a period of twelve months beginning on January 1, 2018, and for twelve month periods thereafter, provided that:
  - i. The Member State notify the Committee every 30 days of the amount of such supply, sale or transfer to the DPRK of refined petroleum products along with information about all parties to the transaction;
  - ii. The supply, sale or transfer of refined petroleum products involve no individuals or entities that are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the relevant resolutions, including designated individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions;
  - iii. The supply, sale or transfer of refined petroleum products are exclusively for livelihood purposes of DPRK nationals and unrelated to generating revenue for the

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<sup>62</sup> See resolution 2397 (2017), paragraph 6.

<sup>63</sup> See resolution 2397 (2017), paragraph 7.

<sup>64</sup> See resolution 2397 (2017), paragraph 7.

<sup>65</sup> See resolution 2375 (2017), paragraphs 13.

<sup>66</sup> See resolution 2397 (2017), paragraph 5.

DPRK's nuclear or ballistic missile programmes or other activities prohibited by the relevant resolutions.

All Member States shall prohibit the direct or indirect supply, sale or transfer to the DPRK through their territories or by their nationals, or using their flag vessels, aircraft, pipelines, rail lines, or vehicles and whether or not originating in their territories, of **crude oil**

This provision shall not apply with respect to crude oil that for twelve months periods after 22 December 2017, does not exceed **4 million barrels** or **525,000 tons** in the aggregate per twelve-month period, and decides that all Member States providing crude oil shall provide a report to the Committee every 90 days from 22 December 2017 onward of the amount of crude oil provided to the DPRK.<sup>67</sup>

This provision shall further not apply with respect to shipments of crude oil which **the Committee approves in advance on a case-by-case basis** as exclusively for

- a) **livelihood purposes** of DPRK nationals and
- b) **unrelated to the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the relevant resolutions.**<sup>68</sup>

## **XII. Seafood ban**

The DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, **seafood** (including fish, crustaceans, mollusks, and other aquatic invertebrates in all forms). States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK.<sup>69</sup>

This provision shall not apply with respect to:

- a) Sales and transactions of **seafood** for which written contracts had been finalized prior to 5 August 2017 and shipments are imported into States' territories by 4 September 2017, with notification provided to the Committee containing details on those imports by no later than 19 September 2017.

The DPRK is further prohibited from selling or transferring, directly or indirectly, fishing rights.<sup>70</sup>

## **XIII. Textiles ban**

The DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, **textiles** (including but not limited to fabrics and partially or fully completed apparel products). All States shall prohibit the procurement of such items from the DPRK

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<sup>67</sup> See resolution 2397 (2017), paragraph 4.

<sup>68</sup> See resolution 2397 (2017), paragraph 4.

<sup>69</sup> See resolution 2371 (2017), paragraph 9.

<sup>70</sup> See resolution 2397 (2017), paragraph 6.

by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK.<sup>71</sup>This provision shall not apply with respect to:

- a) The supply, sales or transfer of **textiles** approved by the Committee on a case-by-case basis in advance, and
- b) Sales, supplies, and transfers of **textiles** for which written contracts have been finalized prior to 11 September 2017 and the shipments are imported into States' territories by no later than 90 days from 11 September 2017, with notification provided to the Committee containing details on those imports by no later than 135 days after 11 September 2017.

#### **XIV. Ban on import of statues from the DPRK**

DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, statues, and that all States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of the DPRK, **unless the Committee approves on a case-by-case basis in advance.**<sup>72</sup>

#### **XV. Fuel ban**

States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of **aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel**, whether or not originating in their territory, to the territory of the DPRK, unless the Committee has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs, subject to arrangement for effective monitoring of delivery and use.

This provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight.<sup>73</sup>

States are called upon to exercise vigilance to ensure that no more fuel is provided to DPRK-flagged civil passenger aircraft than is necessary for the relevant flight, including a standard margin for safety of flight.<sup>74</sup>

#### **XVI. DPRK nationals working abroad**

All Member States shall not provide work authorizations for DPRK nationals in their jurisdictions in connection with admission to their territories **unless the Committee determines on a case-by-case basis** in advance that employment of DPRK nationals in a member state's jurisdiction is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of the relevant resolutions.

This provision shall not apply with respect to **work authorizations for which written contracts have been finalized prior to 11 September 2017.**<sup>75</sup>

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<sup>71</sup> See resolution 2375 (2017), paragraph 16.

<sup>72</sup> See resolution 2321 (2016), paragraph 29.

<sup>73</sup> See resolution 2270 (2016), paragraph 31.

<sup>74</sup> See resolution 2270 (2016), paragraph 31.

<sup>75</sup> See resolution 2375 (2017), paragraph 17.

Member States shall repatriate to the DPRK all DPRK nationals earning income in that Member State's jurisdiction and all DPRK government safety oversight attachés monitoring DPRK workers abroad immediately but no later than 24 months from 22 December 2017. All Member States shall provide a midterm report by 15 months from 22 December 2017 of all DPRK nationals earning income in that Member State's jurisdiction that were repatriated over the 12 month period starting from 22 December 2017, including an explanation of why less than half of such DPRK nationals were repatriated by the end of that 12 month period if applicable, and all Member States shall provide final reports by 27 months from 22 December 2017.

This provision shall not apply if the Member State determines that a DPRK national is a national of that Member State or a DPRK national whose repatriation is prohibited, subject to applicable national and international law, including international refugee law and international human rights law, and the United Nations Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations.<sup>76</sup>

## **XVII. Inspection and transportation**

States are called upon to redouble efforts to implement in full the measures in the resolutions, and to cooperate with each other in doing so, particularly with respect to **inspecting, detecting and seizing** items the transfer of which is prohibited by these resolutions.<sup>77</sup>

All States **shall inspect the cargo within or transiting through their territory, including in their airports, seaports and free trade zones** that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf, or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of the resolutions.<sup>78</sup> This also includes the **personal luggage and checked baggage of individuals** entering into or departing from the DPRK that may be used to transport items the supply, sale or transfer of which is prohibited by the resolutions.<sup>79</sup>

States are required to inspect **DPRK-flagged aircraft** when they land in or take off from their territory<sup>80</sup> and **cargo transported by rail and road** within or transiting through their territory.<sup>81</sup>

States are called upon to implement such inspections in a manner that minimizes the impact on the transfer of cargo that the State determines is for humanitarian purposes.<sup>82</sup>

States are also authorized **to seize and dispose** (such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal) of items the supply, sale, transfer, or export of which is prohibited by the resolutions that are identified in inspections, in a manner that is not inconsistent with their obligations under the resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, the

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<sup>76</sup> See resolution 2397 (2017), paragraph 8.

<sup>77</sup> See resolution 2371 (2017), paragraph 19.

<sup>78</sup> See resolution 2270 (2016), paragraph 18.

<sup>79</sup> See resolution 2321 (2016), paragraph 13.

<sup>80</sup> See resolution 2321 (2016), paragraph 20.

<sup>81</sup> See resolution 2321 (2016), paragraph 21.

<sup>82</sup> See resolution 2270 (2016), paragraph 18.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction of 10 April 1972.<sup>83</sup>

All Member States shall seize, inspect, and freeze (impound) any vessel in their ports, and may seize, inspect, and freeze (impound) any vessel subject to its jurisdiction in its territorial waters, if the Member State has reasonable grounds to believe that the vessel was involved in activities, or the transport of items, prohibited by relevant resolutions. Member States are encouraged to consult with the flag States of relevant vessels once they are seized, inspected, and frozen (impounded).

This provision shall not apply if, after six months from the date such vessels were frozen (impounded), the Committee decides, on a case-by-case basis and upon request of a flag State, that adequate arrangements have been made to prevent the vessel from contributing to future violations of these resolutions.<sup>84</sup>

When a Member State has information to suspect that the DPRK is attempting to supply, sell, transfer or procure, directly or indirectly, illicit cargo, that Member State may request additional maritime and shipping information from other relevant Member States, including to determine whether the item, commodity, or product in question originated from the DPRK.

All Member States receiving such inquiries shall respond as promptly as possible to such requests in an appropriate manner with support from the Committee and the Panel of Experts to facilitate timely coordination of such information requests through an expedited process.<sup>85</sup>

There are several reporting obligations relating to inspections.

a) *Inspections on the high seas*

States are called upon to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains prohibited items.<sup>86</sup>

States are called upon to cooperate with the inspections. If the flag State does not consent to inspection on the high seas, the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities. If a flag State neither consents to inspection on the high seas nor directs the vessel to an appropriate and convenient port for the required inspection, or if the vessels refuses to comply with the flag State direction, then the Committee shall consider designating the vessel for the measures imposed in paragraph 8 (d) of resolution 1718 (2006) and paragraph 12 of resolution 2321 (2016) and the flag State shall immediately deregister that vessel provided the designation of the vessel by the Committee.<sup>87</sup>

Resolution 2375 (2017), in paragraph 10, affirms that inspections conducted per paragraph 7 of that resolution should only be carried out by warships and other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect, and underscores that the

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<sup>83</sup> See resolution 2371 (2017), paragraph 21.

<sup>84</sup> See resolution 2397 (2017), paragraph 9.

<sup>85</sup> See resolution 2397 (2017), paragraph 10.

<sup>86</sup> See resolution 1874 (2009), paragraph 12 and resolution 2375 (2017), paragraph 7.

<sup>87</sup> See resolution 1874 (2009), paragraph 13 and resolution 2375 (2017), paragraph 8.



inspection authority found in paragraph 7 does not apply with respect to inspection of vessels entitled to sovereign immunity under international law.<sup>88</sup> Resolution 2375 (2017) further affirms that such authorization for inspection on the high seas apply only with respect to the situation in the DPRK and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under the United Nations Convention on the Law of the Sea of 10 December 1982, with respect to any other situation and underscores in particular that this resolution shall not be considered as establishing customary international law.<sup>89</sup>

If any vessel has refused to allow an inspection after such an inspection was authorized by the vessel's flag State, or if any DPRK-flagged vessel has refused to be inspected, all States shall deny such a vessel entry to their ports, unless entry is required for the purpose of an inspection, in the case of emergency or in the case of return to its port of origination.<sup>90</sup>

All Member States shall prohibit their nationals, persons subject to their jurisdiction, entities incorporated in their territory or subject to their jurisdiction, and vessels flying their flag, from facilitating or engaging in ship-to-ship transfers to or from DPRK-flagged vessels of any goods or items that are being supplied, sold, or transferred to or from the DPRK.<sup>91</sup>

b) *Ban on all leasing or chartering vessels/aircraft, provision of crew services*

States shall prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services **to the DPRK**. This prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the State determines to have assisted in the evasion of sanctions or in violating the provisions of the resolutions, any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned. States are called upon to de-register any vessel that is owned, operated or crewed by the DPRK, and not to register any such vessel that is de-registered by another Member State.

These measures shall apply without exception, **unless the Committee approves on a case-by-case basis in advance**.<sup>92</sup>

States shall prohibit their nationals from procuring vessel and aircraft crewing services **from the DPRK**.<sup>93</sup>

c) *Registering, insuring, operating DPRK-flagged vessels*

States shall **prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction** from registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and from owning, leasing, operating, providing any vessel classification, certification or associated service, insuring or chartering any vessel

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<sup>88</sup> See resolution 2375 (2017), paragraph 10.

<sup>89</sup> See resolution 2375 (2017), paragraph 12.

<sup>90</sup> See resolution 2094 (2013), paragraph 17.

<sup>91</sup> See resolution 2375 (2017), paragraph 11.

<sup>92</sup> See resolution 2321 (2016), paragraph 8.

<sup>93</sup> See resolution 2321 (2016), paragraph 23.

flagged by the DPRK. These measures shall apply without exception, **unless the Committee approves on a case-by-case basis accompanied in advance.**<sup>94</sup>

d) *Insurance or re-insurance services to vessels*

States shall prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from providing insurance or re-insurance services to vessels it has reasonable grounds to believe were involved in activities, or the transport of items, prohibited by the relevant resolutions or owned, controlled, or operated, including through illicit means, by the DPRK **unless the Committee determines on a case-by-case basis** that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue or exclusively for humanitarian purposes.<sup>95</sup>

e) *Vessels' de-registration*

States shall de-register any vessel it has reasonable grounds to believe was involved in activities, or the transport of items, prohibited by the relevant resolutions or that is owned, controlled, or operated by the DPRK, and shall not register any such vessel that has been de-registered by another Member State pursuant to paragraph 24 of resolution 2321 (2016).

Member States are required to prohibit its nationals, persons subject to its jurisdiction and entities incorporated in its territory or subject to its jurisdiction from thereafter providing classification services to such a vessel **except as approved in advance by the Committee on a case-by-case basis.**<sup>96</sup>

States shall not register any such vessel that has been de-registered by another Member State pursuant to this paragraph **except as approved in advance by the Committee on a case-by-case basis.**<sup>97</sup>

f) *Ban on port calls*

States shall **prohibit the entry into their ports of any vessel** if the Member State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by the resolutions, unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of this resolution.<sup>98</sup>

All Member States shall **prohibit the entry into their ports of vessels designated by the Committee** for which it has information indicating they are, or have been, related to activities prohibited by the relevant resolutions, unless entry is required in the case of emergency or in the case of return to its port of origination, or **unless the Committee determines in advance** that such entry is required for

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<sup>94</sup> See resolution 2321 (2016), paragraph 9 and resolution 2371 (2017), paragraph 7.

<sup>95</sup> See resolution 2321 (2016), paragraph 22 and resolution 2397 (2017), paragraph 11.

<sup>96</sup> See resolution 2397 (2017), paragraph 12.

<sup>97</sup> See resolution 2397 (2017), paragraph 12.

<sup>98</sup> See resolution 2270 (2016), paragraph 21.

**humanitarian purposes** or any other purposes consistent with the objectives of the relevant resolutions.<sup>99</sup>

g) *Ban on the provision of bunkering services*

States shall prohibit the provision by their nationals or from their territory of bunkering services, such as the provision of fuel or supplies, or other servicing of vessels, to DPRK vessels if they have information that provides reasonable grounds to believe they are carrying prohibited items.

Such bunkering services can be provided when necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed if necessary.

The ban on the provision of bunkering services is not intended to affect legal economic activities.<sup>100</sup>

h) *Flight denials*

States shall deny permission to any aircraft to take off from, land in or overfly their territory, unless under the condition of landing for inspection, if they have information that provides reasonable grounds to believe that the aircraft contains prohibited items, except in the case of an emergency landing. States are called upon when considering whether to grant overflight permission to flights to assess known risk factors.<sup>101</sup>

i) *Ban on new helicopters and vessels*

States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of new helicopters, new and used vessels, **except as approved in advance by the Committee on a case-by-case basis.**<sup>102</sup>

## **XVIII. Seizure and disposal**

States are authorized to, and shall, seize and dispose (such as through the destruction, rendering inoperable or unusable, storage, or transferring to a state other than the originating or destination States for disposal) of prohibited items that are identified in inspections. This must be done in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972. All States shall cooperate in such efforts.<sup>103</sup>

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<sup>99</sup> See resolution 2371 (2017), paragraph 6.

<sup>100</sup> See resolution 1874 (2009), paragraph 17.

<sup>101</sup> See resolution 2270 (2016), paragraph 21.

<sup>102</sup> See resolution 2321, paragraph 30 and resolution 2397 (2017), paragraph 14.

<sup>103</sup> See resolution 2397 (2017), paragraph 20.

Methods for States to dispose prohibited items include, but are not limited to, destruction, rendering inoperable, storage or transferring to another State other than the originating or destination States for disposal.<sup>104</sup>

There are several reporting obligations relating to seizure and disposal (see section XXV for details).

#### **XIX. Liability limitations**

Resolutions 2087(2013), 2094(2013), 2270 (2016), 2321 (2016), 2371 (2017), 2375 (2017) and 2397 (2017) emphasize the importance of all States, including the DPRK, taking the necessary steps to ensure that no claim lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated for measures in the resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures in the resolutions.<sup>105</sup>

#### **XX. Humanitarian consequences**

Resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), and 2397 (2017) repeatedly underlined that the imposed measures **are not intended to have adverse humanitarian consequences for the civilian population of the DPRK** or to **affect negatively those activities, including economic activities and cooperation, food aid and humanitarian assistance**, that are **not prohibited by the resolutions** and the **work of international organizations and non-governmental organization carrying out assistance and relief activities in the DPRK** for the benefit of the civilian population of the DPRK.<sup>106</sup>

Resolution 2397 (2017) further stresses the DPRK's primary responsibility and need to fully provide for the livelihood needs of people in the DPRK. The Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK or for any other purpose consistent with the objectives of these resolutions.<sup>107</sup>

#### **XXI. DPRK Diplomatic missions/consular posts**

States shall take steps to limit the number of bank accounts to one per DPRK diplomatic mission and consular post, and one per accredited DPRK diplomat and consular officer, at banks in their territory;<sup>108</sup>

The Council recalled that, under the Vienna Convention on Diplomatic Relations of 1961, a diplomatic agent shall not in the receiving State practice for personal profit any professional or commercial

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<sup>104</sup> See resolution 2087 (2013), paragraph 8.

<sup>105</sup> See resolution 2087 (2013), paragraph 13; resolution 2094 (2013), paragraph 30; resolution 2270 (2016), paragraph 47; resolution 2321 (2016), paragraph 41; resolution 2371 (2017), paragraph 22; resolution 2375 (2017), paragraph 23; and resolution 2397 (2017), paragraph 21.

<sup>106</sup> See resolution 2087 (2013), paragraph 18; resolution 2094 (2013), paragraph 31; resolution 2270 (2016), paragraph 48; resolution 2321 (2016), paragraph 46; resolution 2371 (2017), paragraph 26; resolution 2375 (2017), paragraph 26; and resolution 2397 (2017), paragraph 25.

<sup>107</sup> See resolution 2397 (2017), paragraph 25.

<sup>108</sup> See resolution 2321 (2016), paragraph 16.

activity, and emphasized accordingly that DPRK diplomatic agents are prohibited in the receiving State from such practice of professional or commercial activity;<sup>109</sup>

States shall prohibit the DPRK from using real property that it owns or leases in their territory for any purpose other than diplomatic or consular activities.<sup>110</sup>

## **XXII. Diplomatic missions in the DPRK**

The Council emphasised that States should comply with the provisions of paragraphs 8(a) (iii) and 8(d) of resolution 1718 (2006) **without prejudice to the activities of diplomatic missions in the DPRK** pursuant to the Vienna Convention on Diplomatic Relations;<sup>111</sup>

The Council also demanded that the DPRK fully comply with its obligations under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations;<sup>112</sup>

States are called upon to reduce the number of staff at DPRK diplomatic missions and consular posts.<sup>113</sup>

## **XXIII. International agencies**

**International agencies** are encouraged to take necessary steps **to ensure that all their activities with respect to the DPRK are consistent with the provisions of the resolutions.** International agencies are also encouraged to engage with the Committee regarding their activities with respect to the DPRK that may relate to provisions of the resolutions.<sup>114</sup>

States, relevant United Nations bodies and other interested parties are urged 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 imposed by the resolutions.<sup>115</sup>

## **XXIV. Reporting and notification obligations**

### *a) Related to the overall implementation of resolutions*

States are called upon to submit a report to the Security Council on the “steps” or “concrete measures” they have taken in order to implement effectively the provisions of resolutions 1718 (2006), 1874 (2009), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017), 2375 (2017) and 2397 (2017) within a

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<sup>109</sup> See resolution 2321 (2016), paragraph 17.

<sup>110</sup> See resolution 2321 (2016), paragraph 18.

<sup>111</sup> See resolution 1874 (2009), paragraph 21; resolution 2087 (2013), paragraph 17; and resolution 2094 (2013), paragraph 32.

<sup>112</sup> See resolution 2371 (2017), paragraph 16

<sup>113</sup> See resolution 2321 (2016), paragraph 14.

<sup>114</sup> See resolution 2087 (2013), paragraph 11.

<sup>115</sup> See resolution 1874 (2009), paragraph 27.

specified period of time.<sup>116</sup> States are also encouraged to provide, if any, additional information related to the implementation of the resolutions.<sup>117</sup>

b) *Related to inspection, seizure and disposal*

- States that **inspect** cargo in their territory or vessels on the high sea with the consent of the flag State **or seize and dispose** of prohibited items must submit promptly reports containing relevant details to the Committee on the inspection, seizure and disposal;<sup>118</sup>
- States that do not receive the cooperation of a flag State are required to submit promptly to the Committee a report containing relevant details;<sup>119</sup>

Any State that has been refused by a vessel to allow an inspection shall promptly report the incident to the Committee.<sup>120</sup>

c) *Related to non-compliance with the measures*

States are called upon to supply information at their disposal regarding non-compliance with the measures imposed in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).<sup>121</sup>

d) *Related to transfers, re-naming or re-registering of DPRK aircraft, vessels or ships*

States are requested to communicate to the Committee any information available on transfers of DPRK aircraft, vessels or ships to other companies that may have been undertaken in order to evade the sanctions or in violating the provisions of resolution 1718 (2006), 1874 (2009), 2087 (2013), or 2094 (2013), **including renaming or re-registering** of aircraft, vessels or ships. The Committee is requested to make that information widely available.<sup>122</sup>

e) *Related to designated vessels*

If a Member State has information regarding the number, name, and registry of vessels encountered in its territory or on the high seas that are designated by the Security Council or by the Committee as subject to the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006), the various measures imposed by paragraph 12 of resolution 2321 (2016), the port entry ban imposed by paragraph 6 of resolution 2371 (2017), or relevant measures in this resolution, then the Member State shall notify the Committee of this information and what measures were taken to carry out an inspection, an asset

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<sup>116</sup> Reports pursuant to resolution 1718 (2006) must be submitted within 30 days of the adoption of the resolution (see paragraph 11 of that resolution); reports pursuant to resolution 1874 (2009), within 45 days (see paragraph 22 of that resolution); reports pursuant to resolution 2094 (2013), within 90 days (see paragraph 25 of that resolution); reports pursuant to resolution 2270 (2016), within 90 days (see paragraph 40 of that resolution); reports pursuant to resolution 2321 (2016), within 90 days (see paragraph 36 of that resolution); reports pursuant to resolution 2371 (2017), within 90 days (see paragraph 18 of that resolution); reports pursuant to resolution 2375 (2017), within 90 days (see paragraph 19 of that resolution); reports pursuant to resolution 2397 (2017), within 90 days (see paragraph 17 of that resolution).

<sup>117</sup> See resolution 2087 (2013), paragraph 10.

<sup>118</sup> See resolution 1874 (2009), paragraph 15.

<sup>119</sup> See resolution 1874 (2009), paragraph 16 and resolution 2375 (2017), paragraph 9.

<sup>120</sup> See resolution 2094 (2013), paragraph 17.

<sup>121</sup> See resolution 2270 (2016), paragraph 41.

<sup>122</sup> See resolution 2094 (2013), paragraph 19.

freeze and impoundment or other appropriate action as authorized by the relevant provisions of the relevant resolutions.<sup>123</sup>

f) *Related to sectoral sanctions*

All Member States providing crude oil shall provide a report to the Committee every 90 days from the date of adoption of this resolution of the amount of crude oil provided to the DPRK.<sup>124</sup>

g) *Related to DPRK nationals working abroad*

All Member States shall provide a midterm report to the Committee by 15 months from 22 December 2017 of all DPRK nationals earning income in that Member State's jurisdiction that were repatriated over the 12-month period starting from 22 December 2017, including an explanation of why less than half of such DPRK nationals were repatriated by the end of that 12 month period if applicable, and all Member States shall provide final reports by 27 months from 22 December 2017.<sup>125</sup>

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<sup>123</sup> See resolution 2397 (2017), paragraph 15.

<sup>124</sup> See resolution 2397 (2017), paragraph 4.

<sup>125</sup> See resolution 2397 (2017), paragraph 8.