

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

28 July 2014

**Implementation Assistance Notice No. 5: The M/V Chong Chon Gang Incident**

The Security Council Committee established pursuant to resolution 1718 (2006) believes that the following information may be useful to Member States in implementing their obligations pursuant to resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).

Background:

1. On 10 July 2013, a Member State identified, prevented the transfer of, and seized a shipment of illicit conventional arms and related materiel aboard the M/V *Chong Chon Gang*, a DPRK-flagged and -operated vessel whose cargo originated in Cuba and was bound for the DRPK. The Member State promptly reported the incident to the Committee. The Committee, with the support of the Panel of Experts, has conducted an investigation into this incident.
2. The Panel of Experts, after conducting an on-site inspection, has reported that the illicit cargo aboard this vessel contained a total of about 240 tons of arms and related materiel, including MIG 21 aircraft fuselages, fighter aircraft jet engines, and afterburners, military green trailers, electronic equipment (voltmeters, gauges, fuses, etc.), electrical drawings, a satellite dish, generators, SA-2 trailers, an SA-3 trailer, small arms ammunition, night vision goggles, and a variety of live ammunition for rocket-propelled grenades (RPGs) and for high-caliber weapons.
3. The illicit cargo, to include the hazardous cargo, was not declared on the ship's manifest and the cargo was hidden under two hundred and eighteen thousand bags of raw sugar.
4. The vessel's actual operator/manager, Ocean Maritime Management Company, Ltd. (OMM), played a key role in arranging the shipment of the concealed cargo of arms and related materiel.
5. On 21 October 2013, the Panel of Experts consulted with authorities in Cuba about the incident. Cuba asserted that the relevant Security Council resolutions do not prohibit the shipment of arms and related materiel to the DPRK for "repair," when there is no change in ownership.

The Committee makes the following observations with respect to this incident:

6. This shipment violated paragraph 8(a)(i) of resolution 1718 (2006), as extended by paragraph 10 of resolution 1874 (2009), and the transaction violated paragraph 8 (c) of resolution 1718 (2006) in light of paragraph 9 of resolution 1874 (2009) and paragraph 7 of resolution 2094 (2013).
7. The concealment of the aforementioned items demonstrates intent to evade UN sanctions, and is consistent with previous attempts by the DPRK to transfer arms and related materiel through similar tactics in contravention of Security Council prohibitions. The Committee encourages States to be aware of these patterns of concealment and, in accordance with the relevant Security Council resolutions, take action with respect to shipments under similar circumstances if there is credible information that provides reasonable grounds to believe the cargo contains prohibited items.
8. In light of this incident and bearing in mind its lessons learned and the circumstances involved, the Committee encourages all Member States to remain vigilant regarding their obligations and responsibilities to inspect suspect cargo to prevent prohibited items, going to and from the DPRK, and to ensure the relevant national implementing instruments and authorities for doing so are in place. In this regard, the Committee draws the attention of Member States to the Security Council resolution provisions relevant to this incident (see annex).
9. The investigation shows involvement of OMM in this incident of transporting items in violation of resolution 1718 (2006), 1874 (2009) and 2094 (2013). To ensure effective implementation of Security Council resolutions and prevent future violations, the Committee therefore encourages Member States to exercise extra vigilance over all activities of OMM. In this regard, the Committee encourages Member States to alert their public and private sector to risks involved in facilitating violations of Security Council resolutions. The investigation also uncovered information indicating that DPRK Embassy officials in Havana were engaged in making arrangements for the shipment. The Committee encourages States to continue to exercise enhanced vigilance over DPRK diplomatic personnel, as called for in paragraph 24 of resolution 2094 (2013), as well as vigilance over any individuals who may be assisting the evasion of sanctions or violating the provisions of relevant Security Council resolutions (so as to implement paragraph 10 of resolution 2094 (2013)), and vigilance over financial and other arrangements associated with evasions or violations (so as to implement paragraph 11 of resolution 2094 (2013)).
10. The relevant Security Council resolutions prohibit transfers of all arms and related materiel (except small arms and light weapons and their related materiel properly notified to the Committee five days prior to their selling, supplying, sale or transfer to DPRK) to the DPRK, and clarifies that this prohibition applies to all shipments of such arms and related materiel to the DPRK, regardless of change of ownership. These resolutions prohibit the transfer from the DPRK by its nationals or from its territory of advice,

services or assistance related to the maintenance or use of prohibited arms and related materiel. This prohibition covers many activities including repair, diagnosis, monitoring, physical and chemical tests, and any related services for such items.

11. The Committee is concerned that the contract between the two States involving military-to-military cooperation contained provisions inconsistent with the relevant Security Council resolutions (which take precedence over such agreements). The Committee encourages Member States to ensure that all cooperation with the DPRK complies fully with Security Council resolutions.
12. The Committee applauds the reporting State for its prompt action to implement its international obligations. The Committee also welcomes cooperation provided by Member States with the Committee and the Panel.

The Committee continues to call upon all Member States to share, on a confidential basis, if necessary, information regarding alleged violations of the measures imposed in these resolutions. Consistent with its mandate, the Committee will examine and take appropriate action regarding such information. The Committee remains available to answer inquiries from Member States about the obligations imposed by these resolutions.

#### **ANNEX: Relevant UN Security Council Resolution Provisions**

1. Paragraph 8(a) of Security Council resolution 1718 (2006) and paragraph 10 of resolution 1874 (2009) require that Member States shall prevent the supply, sale, or transfer of all “arms and related materiel” and related services, to the DPRK, through their territories or by their nationals, with the exception of small arms and light weapons and their related materiel that have been properly notified to the UN Security Council DPRK Sanctions Committee.
2. Paragraph 8(b) of resolution 1718 (2006) and paragraph 9 of resolution 1874 (2009) prohibit the DPRK from exporting “all arms and related materiel” and related services, and require all Member States to prohibit the procurement of such items from the DPRK, whether or not originating in the DPRK.
3. Paragraph 8(c) of resolution 1718 (2006) requires all Member States to prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of “technical training, advice, services, and assistance related to the provision, manufacture, maintenance, or use” of prohibited items.
4. Paragraph 7 of resolution 2094 (2013) notes that the measures imposed by paragraph 8 (c) of resolution 1718 (2006) also apply to brokering or other intermediary services, including when arranging for provision, maintenance, or use of prohibited items in other States or the supply, sale, or transfer to or exports from other States.

5. Paragraph 10 of resolution 2094 (2013) decides that all States shall impose the travel ban specified in paragraph 8(e) of resolution 1718 (2006) to any individual whom a State determines is working on behalf or at the direction of a designated individual or entity or individuals assisting the evasion of sanctions or violating the provisions of relevant Security Council resolutions, and also decides that, 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 in this provision shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters to conduct United Nations business.
6. Paragraph 16 of resolution 2094 (2013) decides that all States shall inspect all cargo within or transiting through their territory 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, if the State concerned has credible information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by the relevant Security Council resolutions.
7. Paragraph 24 of resolution 2094 (2013) calls upon States to exercise enhanced vigilance over DPRK diplomatic personnel so as to prevent such individuals from contributing to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by relevant Security Council resolutions, or to the evasion of measures imposed by relevant Security Council resolutions.

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