



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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Marine Advisory: 11/2016
(This Marine Advisory supersedes Marine Advisory 04-2010)

Subject: United Nations Sanction against the Democratic People's Republic of Korea

Ref: (a) United Nations Security Council Resolution 1718 (2006)
(b) United Nations Security Council Resolution 1874 (2009)
(c) United Nations Security Council Resolution 2087 (2013)
(d) United Nations Security Council Resolution 2094 (2013)
(e) United Nations Security Council Resolution 2270 (2016)

To: All Owners/Operators/Masters of Liberian Flagged Vessels

Dear Owners/Operators/Masters:

This Advisory provides information regarding the implementation of the United Nations (UN) sanctions imposed against the Democratic People's Republic of Korea (DPRK) by UN Security Council Resolutions: 1718, 1874, 2087, 2094, and 2270. This Advisory also includes guidance on the procedure that Liberian flagged vessels should follow in order to comply with the requirements of the Resolutions.

Background Information

The UN Security Council unanimously adopted Resolution 1718 (2006), which imposed an arms embargo, assets freeze and travel ban on persons involved in the DPRK's nuclear program, and a ban on a range of imports-exports, to prohibit the DPRK from conducting nuclear tests or launching ballistic missiles. Resolution 1874 (2009) effectively condemned DPRK's nuclear test and tightened sanctions against it by blocking funding for nuclear, missile and proliferation activities through targeted sanctions on additional goods, persons and entities, widening the ban on arms imports-exports. In enforcing this ban against DPRK, the Security Council urged Member States to exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of those weapons and to inspect and destroy all banned cargo to and from that country, whether on the high seas, at seaports or airports if the inspecting State has reasonable grounds to suspect a violation. Resolution 2087 (2013) condemned DPRK 12 December 2012 satellite launch and strengthened the sanctions included in Resolutions 1718 and 1874. Resolution 2094 (2013) was unanimously adopted to significantly impede DPRK's ability to further develop its illicit nuclear and ballistic missile programs, as well as its proliferation activities. It further tightened financial sanctions by making some of the existing measures mandatory. Resolution 2270 (2016) condemned in strongest terms the

nuclear test conducted by DPRK on 6 January 2016 “in violation and flagrant disregard” of previous Resolutions, its actions thereby constituting a challenge to the Treaty on Non-Proliferation of Nuclear Weapons and to peace and stability in the region and beyond. By Resolution 2270, the Security Council decided that all States should inspect cargo within or transiting through their territory, including airports, sea ports and free trade zones destined for or originating from the DPRK. It also decided that Member States should prohibit DPRK’s nationals and those in their own territories from leasing or chartering their flagged vessels and aircraft, or providing DPRK with crew services.

The Republic of Liberia is a Member State of the UN and is required to comply with the aforementioned Security Council Resolutions. It is understood that Member States, such as Japan, intend to aggressively implement the mandates of the Resolutions by inspecting vessels’ cargo, including Liberian flagged vessels, on the high seas. Accordingly, we direct the attention of Owners, Operators and Masters of Liberian registered vessels to relevant excerpts of the UN Security Council’s Resolutions:

Resolution 1874 (2009), paragraph 11: *Calls upon* all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from the DPRK, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of this resolution, for the purpose of ensuring strict implementation of those provisions;

Resolution 1874 (2009), paragraph 12: *Calls upon* all Member States 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 items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 (2006)..., for the purpose of ensuring strict implementation of those provisions;

Resolution 2094 (2013), paragraph 17: *Decides* that, if any vessel has refused to allow an inspection after such an inspection has been 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, and decides further that any State that has been refused by a vessel to allow an inspection shall promptly report the incident to the Committee;

Resolution 2270 (2016), paragraph 18: *Decides* that 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 Resolutions 1718, 1874..., and calls upon States to implement such inspections in a manner that minimizes the impact on the transfer of cargo that the State determines is for humanitarian purposes;

Resolution 2270 (2016), paragraph 22: *Decides* that all Member 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 Resolutions 1718, 1874..., unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection...

Owners, Operators and Masters of Liberian flagged vessels are required to comply with the UN Security Council Resolutions.

Procedural Advisement

Paragraph 12 of Resolution 1874 (2009) requires the boarding and inspection to be done with the consent of the flag State. Therefore:

1. The inspecting State must first notify and request the consent of the flag State and provide the circumstances, nature and scope of the information that provides reasonable grounds for inspection.
2. A Liberian flagged vessel that has been contacted by any Member State of the UN to inspect that vessel must immediately notify this Flag Administration by email at: investigations@liscr.com and/or the LISCRCR Duty Officer at dutyofficer@liscr.com.
3. The Administration will expeditiously review the information and promptly respond to the request, and advise the vessel Owner/Operators of its determination.
4. If the determination is to allow inspection by the inspecting Member State, the ship Owner/Operator may request the presence of a Flag State Inspector during the inspection. If appropriate, the Flag Administration may also assign a Flag State Inspector to conduct a special inspection. If the Flag State consents to the inspection and responds to the request of the inspecting Member State, the Owner/Operator of Liberian flagged vessel involved will be required to cooperate with the inspection.
5. In accordance with paragraph 12 of Resolution 1874 (2009), if this Flag Administration does not consent to the vessel inspection by the UN Member State requesting the inspection, then the Flag State will direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities.

Owners and Operators should bring the contents of this Advisory to the attention of the Masters of their Liberian flagged vessels and instruct them to exercise caution so as to avoid violation of the sanctions.

Point of Contact

For further information regarding the issuance of this Advisory, please contact the Investigations Department at +1 (703) 790 3434 or investigations@liscr.com. If after business hours, please contact the Duty Officer at +1 703 963 6216 or Dutyofficer@liscr.com.

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