



Security Council

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Security Council Committee established pursuant to resolution [1718 \(2006\)](#)

Note verbale dated 3 November 2017 from the Permanent Mission of Australia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Australia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and has the honour to submit the report of Australia on the implementation of resolutions [2371 \(2017\)](#) and [2375 \(2017\)](#) (see annex).

Paragraph 18 of resolution [2371 \(2017\)](#) and paragraph 19 of resolution [2375 \(2017\)](#) called upon Member States to report to the Security Council within 90 days of the adoption of each resolution on concrete measures taken to implement effectively the provisions of the resolutions. Some of the provisions of resolution [2375 \(2017\)](#) amended, or built on, provisions in resolution [2371 \(2017\)](#). The report of Australia covers concrete measures it has taken under both resolutions.



Annex to the note verbale dated 3 November 2017 from the Permanent Mission of Australia to the United Nations addressed to the Chair of the Committee

Report of Australia to the Security Council pursuant to paragraph 18 of resolution 2371 (2017) and paragraph 19 of resolution 2375 (2017)

1. Paragraph 18 of resolution 2371 (2017) and paragraph 19 of resolution 2375 (2017) called upon Member States to report to the Security Council within 90 days of the adoption of each resolution on concrete measures taken to implement effectively the provisions of the resolutions.
2. Some of the provisions of resolution 2375 (2017) amended, or built on, provisions in resolution 2371 (2017). Australia is therefore reporting on the concrete measures it has taken under both resolutions in one report.
3. References in the present report to “the Committee” are to the Committee established pursuant to Security Council resolution 1718 (2006).

Designations of individuals and entities — paragraph 3 of resolution 2371 (2017) and paragraph 3 of resolution 2375 (2017)

4. Paragraph 3 of resolution 2371 (2017) and paragraph 3 of resolution 2375 (2017) designating individuals and entities for the measures specified in paragraph 8 (d) of resolution 1718 (2006) are automatically implemented in Australia by the Charter of the United Nations (Sanctions — Democratic People’s Republic of Korea) Regulations 2008 (the Regulations). The Regulations define “designated person or entity” to include a person or entity: (a) designated by the Security Council or the Committee for the purposes of paragraph 8 (d) of resolution 1718 (2006); or (b) to whom the measures mentioned in paragraph 8 (d) of resolution 1718 (2006) apply under a decision of the Council or the Committee.
5. Paragraph 3 of resolution 2371 (2017) and paragraph 3 of resolution 2375 (2017) designating individuals and entities for the measures specified in paragraph 8 (e) of resolution 1718 (2006) are automatically implemented in Australia by the Migration (United Nations Security Council) Regulations 2007. In addition, Australian law contains a general power to deny a visa to a person whose presence in Australia would be contrary to its foreign policy interests.

Designations of additional goods — paragraphs 4 and 5 of resolution 2371 (2017) and paragraphs 4 and 5 of resolution 2375 (2017)

6. Paragraphs 4 and 5 of resolution 2371 (2017) and paragraphs 4 and 5 of resolution 2375 (2017) regarding the designation of additional items for the measures imposed by paragraph 8 of resolution 1718 (2006) are automatically implemented in Australia by the Regulations. The Regulations define “export sanctioned good” and “import sanctioned good” to include goods: (a) determined by the Security Council or the Committee for the purposes of subparagraph 8 (a) (i) or (ii) of resolution 1718 (2006); and (b) to which the measures mentioned in paragraphs 8 (a), (b) and (c) of resolution 1718 (2006) apply under a decision of the Council or the Committee.

Transportation — paragraph 6 of resolution 2371 (2017) and paragraph 6 of resolution 2375 (2017)

7. The Regulations provide that a person commits an offence if the person is in command or charge of a vessel, the vessel has been designated by the Committee for

the purposes of paragraph 6 of resolution 2371 (2017) or paragraph 6 of resolution 2375 (2017) and the vessel enters a port in Australia. The Regulations also contain provisions reflecting the exceptions set out in paragraph 6 of resolution 2371 (2017).

Transportation — paragraph 7 of resolution 2371 (2017)

8. The Regulations prohibit a person from chartering a vessel flagged by or registered to the Democratic People’s Republic of Korea and grant the Minister for Foreign Affairs the power to issue a permit if the Committee approves the activity in advance.

Sectoral — coal, iron and iron ore — paragraph 8 of resolution 2371 (2017)

9. The Regulations define “import sanctioned goods” to include “coal, iron or iron ore” and grant the Minister for Foreign Affairs the power to issue a permit in respect of coal in the circumstances set out in paragraph 8 of resolution 2371 (2017).

Sectoral — seafood — paragraph 9 of resolution 2371 (2017)

10. The Regulations define “import sanctioned goods” to include “seafood (including fish, crustaceans, molluscs and other aquatic invertebrates)”.

Sectoral — lead and lead ore — paragraph 10 of resolution 2371 (2017)

11. The Regulations define “import sanctioned goods” to include “lead or lead ore”.

Sectoral — refined petroleum products — paragraph 14 of resolution 2375 (2017)

12. The Regulations define “export sanctioned goods” to include “refined petroleum products” and grant the Minister for Foreign Affairs the power to issue a permit in respect of refined petroleum products in the circumstances set out in paragraph 14 of resolution 2375 (2017).

Sectoral — crude oil — paragraph 15 of resolution 2375 (2017)

13. The Regulations define “export sanctioned goods” to include “crude oil”.

Sectoral — textiles — paragraph 16 of resolution 2375 (2017)

14. The Regulations define “import sanctioned goods” to include “textiles (including fabrics and partially or fully completed apparel products)” and grant the Minister for Foreign Affairs the power to issue a permit in respect of such items in the circumstances set out in paragraph 16 of resolution 2375 (2017).

Sectoral — work authorization for nationals of the Democratic People’s Republic of Korea — paragraph 11 of resolution 2371 (2017) and paragraph 17 of resolution 2375 (2017)

15. Australian law contains a general power to deny a visa to a person whose presence in Australia would be contrary to its foreign policy interests. That will be used to ensure compliance with paragraph 17 of resolution 2375 (2017).

Financial — joint ventures — paragraph 12 of resolution 2371 (2017) and paragraph 18 of resolution 2375 (2017)

16. The Regulations define a “sanctioned commercial activity” to include the establishment, maintenance or operation of a joint venture or cooperative entity (however described) with relevant persons and entities related to the Democratic

People's Republic of Korea and contain provisions reflecting the 120-day transition periods included in paragraph 18 of resolution [2375 \(2017\)](#).

Maritime interdiction of cargo vessels — paragraph 8 of resolution [2375 \(2017\)](#)

17. The Regulations provide that a “controlled asset” includes a vessel that is, as a result of being designated by the Committee, subject to the asset freeze imposed by paragraph 8 (d) of resolution [1718 \(2006\)](#). Under the Regulations, it is an offence for a person who holds a “controlled asset” to use or deal with that asset.

18. The Regulations provide that if an Australian-flagged vessel is designated by the Committee for the purposes of paragraph 12 (b) of resolution [2321 \(2016\)](#) then the Minister must direct the vessel to enter a port identified by the Committee. It is an offence to fail to comply with such a direction.

19. The Regulations provide that a person commits an offence if the person is in command or charge of a vessel, the vessel has been designated by the Committee for the purposes of paragraph 12 (c) of resolution [2321 \(2016\)](#) and the vessel enters a port in Australia. The Regulations also contain provisions reflecting the exceptions set out in paragraph 12 (c) of resolution [2321 \(2016\)](#).

20. The Regulations provide the Minister for Foreign Affairs with the power to direct an Australian-flagged vessel to enter a port for the purposes of cooperating with an inspection in accordance with paragraph 8 of resolution [2375 \(2017\)](#). It is an offence to fail to comply with such a direction.

Maritime interdiction of cargo vessels — ship-to-ship transfers — paragraph 11 of resolution [2375 \(2017\)](#)

21. The Regulations prohibit facilitating and engaging in ship-to-ship transfers as set out in paragraph 11 of resolution [2375 \(2017\)](#).
