



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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Marine Advisory: 10/2018

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

Ref:

- (a) **Marine Advisory: 11/2016**
- (b) **United Nations Security Council Resolution 2321 (2016)**
- (c) **United Nations Security Council Resolution 2371 (2017)**
- (d) **United Nations Security Council Resolution 2375 (2017)**
- (e) **United Nations Security Council Resolution 2397 (2017)**

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

Dear Owners/Operators/Masters:

This Advisory reaffirms 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 as provided in the Republic of Liberia Marine Advisory 11/2016 (ref (a)) and provides information on implementation of additional UN sanctions under UN Security Council Resolutions 2321, 2371, 2375 and 2397. This Advisory also reiterates guidance on procedures Owners and Operators of Liberian flagged vessels should follow in order to comply with the requirements of these Resolutions.

Background Information

The UN Security Council Resolution 2321 (2016) expressed grave concern at the nuclear tests by the DPRK that create increased tension in the region and beyond, and required Member States, *i.a.*, to de-register any vessel owned, controlled or operated by the DPRK, and established that no such vessel shall be registered by another Member State.

Resolution 2371 (2017) condemned in the strongest terms the ballistic missile launches conducted by the DPRK in July 2017 and authorized Member States to prohibit the entry into their ports of vessels designated by the UN Security Council Committee, as related to the activities prohibited by previous Resolutions.

Resolution 2375 (2017) called upon Member States to inspect vessels on high seas with the consent of the flag State, if there are reasonable grounds to believe that cargo on board is prohibited by previous Resolutions.

Resolution 2397 (2017) expressed its gravest concern at the ballistic missile launch on 28 November 2017, determined ongoing "clear threat to international peace and security," and authorized Member States to seize, inspect and freeze any vessels in their ports or subject to their jurisdiction, if there are reasonable grounds to believe that the vessel has been involved in sanctionable activities.

The Republic of Liberia is a Member State of the UN and is required to comply with the aforementioned Security Council Resolutions. Accordingly, the Liberian Administration draws the attention of Owners,

Operators and Masters of Liberian registered vessels to relevant excerpts of the following additional UN Security Council Resolutions:

[Resolution 2321 \(2016\)](#), paragraph 24: *Decides* that all Member States shall de-register any vessel that is owned, controlled, or operated by the DPRK, and further *decides* that Member States shall not register any such vessel that has been de-registered by another Member State pursuant to this paragraph;

[Resolution 2371 \(2017\)](#), paragraph 6: *Decides* that the Committee may designate vessels for which it has information they are, or have been, related to activities prohibited by resolutions 1718, 1874..., or this resolution and all Member States shall prohibit the entry into their ports of such designated vessels, unless entry is required in the case of emergency or in the case of return to its port of origination, or unless determined by the Committee;

[Resolution 2375 \(2017\)](#), paragraph 7: *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 resolutions 1718, 1874..., for the purpose of ensuring strict implementation of those provisions;

[Resolution 2375 \(2017\)](#), paragraph 8: *Calls upon* all States to cooperate with inspections pursuant to paragraph 7 of the same resolution, and if the flag State does not consent to inspection on the high seas, *decides* that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 18 of the resolution 2270 (2016), and *decides further* that, if a flag State neither consents to inspection on the high seas nor directs the vessels to proceed to appropriate and convenient port for the required inspection, or if the vessel refuses to comply with flag State direction to permit inspection on the high seas or to proceed to such a port, than the Committee shall consider designating the vessel for measures imposed in paragraph 8 (d) of the resolution 1718 (2006) and paragraph 12 of the [resolution 2321 \(2016\)](#) and the flag State shall immediately de-register that vessel provided that designation has been made by the Committee;

[Resolution 2397 \(2017\)](#), paragraph 9: *Notes with great concern* that the DPRK is illicitly exporting coal and other prohibited items through deceptive maritime practices and obtaining petroleum illegally through ship-to-ship transfers and *decides* that 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 resolutions 1718, 1874..., or this resolution, *encourages* Member States to consult with the flag States of relevant vessels once they are seized, inspected, and frozen (impounded), and *further decides* that, after six months from the date such vessels were frozen (impounded), this provision shall not apply if 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;

[Resolution 2397 \(2017\)](#), paragraph 12: *Reaffirms* paragraph 24 of [resolution 2321 \(2016\)](#) and *decides* that each Member State shall de-register any vessel it has reasonable grounds to believe was involved in activities, or the transport of items, prohibited by resolutions 1718, 1874..., or this resolution and 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, and *further decides* that Member 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.

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

Procedural Advisement

Paragraph 7 of [Resolution 2375 \(2017\)](#) requires the boarding and inspection to be done with the consent of the flag State. Therefore:

1. The inspecting State must first notify, request the consent and provide the circumstances, nature and scope of the information that provides reasonable grounds for inspection to the Liberian flag Administration. See point of contact provided at end of this advisory.
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 LISCR 24 hr. Duty Officer at dutyofficer@liscr.com or +1 703 963 6216.
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/Master of Liberian flagged vessel involved will be informed and is required to cooperate with the UN Member State inspection.
5. In accordance with paragraph 8 of [Resolution 2375 \(2017\)](#), 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 of the Member State.

Owners and Operators are advised to exercise caution so as to avoid violation of the UNSC resolutions and sanctions and are encouraged to bring the contents of this Advisory to the attention of Masters of their Liberian flagged vessels and instruct them to exercise caution so as to avoid violation of the UNSC resolutions and 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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