



Security Council

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

Note verbale dated 13 February 2019 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Kazakhstan 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 national action plan of the Republic of Kazakhstan for the implementation of Security Council resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#) (see annex).



Annex to the note verbale dated 13 February 2019 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chair of the Committee

[Original: Russian]

Report of Kazakhstan on the implementation of Security Council resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#)

All government bodies of the Republic of Kazakhstan act in compliance with United Nations Security Council resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#), as set out below.

1. Responsibilities of the Ministry of Foreign Affairs of the Republic of Kazakhstan:

- Take appropriate steps to restrict the entry into or transit through the territory of the Republic of Kazakhstan of the individuals and entities listed in annexes I and II to resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#) that are assisting in the evasion of sanctions or the violation of the provisions of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#) or [2371 \(2017\)](#). If such individuals are detected, their repatriation to the Democratic People's Republic of Korea shall be arranged in accordance with applicable national and international law;
- Provide all necessary information to the Security Council and the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) on specific steps taken, and on incidents thwarted and action taken in response, in accordance with resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#), and, where necessary, consult with the Committee on the procedure for applying the provisions of resolutions [2375 \(2017\)](#) and [2397 \(2017\)](#).

2. Responsibilities of government bodies of the Republic of Kazakhstan, within their spheres of competence:

Maritime interdiction of cargo vessels

- Inspect vessels with the consent of the flag State, on the high seas, if there is 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 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or [2375 \(2017\)](#);

This provision covers only inspections carried out by warships and other ships or aircraft clearly marked and identifiable as being on government service of the Republic of Kazakhstan and authorized to that effect; moreover, it does not apply with respect to inspection of vessels entitled to sovereign immunity under international law;

- If the flag State does not cooperate as necessary, submit to the Committee a report containing relevant details regarding the incident, the vessel and the flag State;
- Prohibit nationals of the Republic of Kazakhstan, persons subject to its jurisdiction, entities incorporated in its territory or subject to its jurisdiction, and vessels flying its flag from facilitating or engaging in ship-to-ship transfers to or from vessels flagged by the Democratic People's Republic of Korea of any

goods or items that are being supplied, sold or transferred to or from the Democratic People's Republic of Korea;

These provisions apply only with respect to the situation in the Democratic People's Republic of Korea and shall not affect the rights, obligations or responsibilities of the Republic of Kazakhstan 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;

This shall not be considered as establishing customary international law;

- Seize, inspect and freeze (impound) any vessel in its ports or subject to its jurisdiction in its territorial waters if there are reasonable grounds to believe that the vessel was involved in activities, or the transport of items, prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or [2397 \(2017\)](#);

In that connection, consult with the flag States of relevant vessels once they are seized, inspected and frozen (impounded). 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;

- Prohibit nationals of the Republic of Kazakhstan and entities incorporated in its territory or subject to its 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 resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or [2397 \(2017\)](#), 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 individuals or entities of the Democratic People's Republic of Korea to generate revenue or exclusively for humanitarian purposes;
- Deregister any vessel in respect of which there are reasonable grounds to believe it was involved in activities, or the transport of items, prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or [2397 \(2017\)](#) and prohibit nationals of the Republic of Kazakhstan 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;

In addition, not register any such vessel that has been deregistered by another Member State pursuant to this paragraph, except as approved in advance by the Committee on a case-by-case basis;

- Prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through the territory of the Republic of Kazakhstan or by its nationals, or using its flag vessels or aircraft, and whether or not originating in its territory, of any new or used vessels, except as approved in advance by the Committee on a case-by-case basis;

Sectoral

- Take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through the territory of the Republic of Kazakhstan or by its nationals, or using its flag vessels or

aircraft, and whether or not originating in its territory, of all condensates and natural gas liquids;

- Prohibit the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through the territory of the Republic of Kazakhstan or by its nationals, or using its flag vessels, aircraft, pipelines, rail lines or vehicles, and whether or not originating in its territory, of all crude oil, unless the Committee approves in advance on a case-by-case basis a shipment of crude oil which is exclusively for livelihood purposes of nationals of the Democratic People's Republic of Korea and unrelated to that country's nuclear or ballistic missile programmes or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or [2397 \(2017\)](#);

This prohibition shall not apply with respect to crude oil that, for a period of 12 months after the date of adoption of resolution [2397 \(2017\)](#), and for 12-month periods thereafter, does not exceed 4 million barrels or 525,000 tons in the aggregate per 12-month period;

- If any crude oil is supplied, provide a report to the Ministry of Foreign Affairs of the Republic of Kazakhstan every 90 days from the date of adoption of resolution [2397 \(2017\)](#) of the amount of crude oil provided to the Democratic People's Republic of Korea;
- Prohibit the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through the territory of the Republic of Kazakhstan or by its nationals, or using its flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in its territory, of all refined petroleum products;

This provision shall not apply with respect to procurement by the Democratic People's Republic of Korea or the direct or indirect supply, sale or transfer to that country, irrespective of the country of origin, of refined petroleum products in the amount of up to 500,000 barrels during an initial period of three months beginning on 1 October 2017 and ending on 31 December 2017, and refined petroleum products in the amount of up to 2,000,000 barrels per year during a period of 12 months beginning on 1 January 2018 and annually thereafter, provided that:

(a) The Member State notifies the Committee every 30 days of the amount of such supply, sale, or transfer to the Democratic People's Republic of Korea of refined petroleum products along with information about all the parties to the transaction;

(b) The supply, sale or transfer of refined petroleum products involve no individuals or entities that are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or [2375 \(2017\)](#), 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;

(c) The supply, sale or transfer of refined petroleum products are exclusively for livelihood purposes of nationals of the Democratic People's Republic of Korea and unrelated to generating revenue for the nuclear or ballistic missile programmes of that country or other activities prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or [2375 \(2017\)](#);

- Prohibit the supply, sale or transfer, directly or indirectly, from the territory of the Republic of Kazakhstan or by its nationals or using its flag vessels or aircraft, of food and agricultural products (Harmonized System codes 12, 08, 07), machinery (Harmonized System code 84), electrical equipment (Harmonized System code 85), earth and stone including magnesite and magnesite (Harmonized System code 25), wood (Harmonized System code 44) and vessels (Harmonized System code 89), and prohibit the procurement of the above-mentioned commodities and products from the Democratic People's Republic of Korea by nationals of the Republic of Kazakhstan, or using its flag vessels or aircraft, whether or not originating in the territory of the Democratic People's Republic of Korea;
- Draw attention to the fact that the full sectoral ban on seafood in paragraph 9 of resolution [2371 \(2017\)](#) prohibits the Democratic People's Republic of Korea from selling or transferring, directly or indirectly, fishing rights; further, for sales of and transactions involving all commodities and products from the Democratic People's Republic of Korea whose transfer, supply or sale by the Democratic People's Republic of Korea are prohibited by this paragraph and for which written contracts have been finalized prior to the adoption of resolution [2397 \(2017\)](#), all States may only allow those shipments to be imported into their territories up to 30 days from the date of adoption of resolution [2397 \(2017\)](#) with notification provided to the Committee containing details on those imports by no later than 45 days after the date of adoption of resolution [2397 \(2017\)](#);
- Prohibit the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through the territory of the Republic of Kazakhstan or by its nationals, or using its flag vessels, aircraft, pipelines, rail lines, or vehicles, and whether or not originating in its territory, of all industrial machinery (Harmonized System codes 84 and 85), transportation vehicles (Harmonized System codes 86–89), and iron, steel and other metals (Harmonized System codes 72–83);

This provision shall not apply with respect to the provision of spare parts needed to maintain the safe operation of commercial civilian passenger aircraft of the Democratic People's Republic of Korea (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);

- Prohibit the procurement of textiles (including but not limited to fabrics and partially or fully completed apparel products) from the Democratic People's Republic of Korea by nationals of the Republic of Kazakhstan, or using its flag vessels or aircraft, whether or not originating in the territory of the Democratic People's Republic of Korea, unless approved by the Committee on a case-by-case basis in advance;

For such sales, supplies and transfers of textiles (including but not limited to fabrics and partially or fully completed apparel products) for which written contracts have been finalized prior to the adoption of resolution [2375 \(2017\)](#), all States may allow those shipments to be imported into their territories up to 90 days from the date of adoption of the resolution with notification provided to the Committee containing details on those imports by no later than 135 days after the date of adoption of the resolution;

- Prohibit the issuance of work authorizations for nationals of the Democratic People's Republic of Korea in its jurisdiction in connection with admission to the territory of the Republic of Kazakhstan unless the Committee determines on a case-by-case basis in advance that employment of nationals of the Democratic

People's Republic of Korea in a Member State's jurisdiction is required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#) or [2375 \(2017\)](#);

This provision shall not apply with respect to work authorizations for which written contracts have been finalized prior to the adoption of resolution [2375 \(2017\)](#);

- It is necessary to repatriate to the Democratic People's Republic of Korea all nationals of that country earning income in the jurisdiction of the Republic of Kazakhstan and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring workers from that country abroad immediately but no later than 24 months from the date of adoption of resolution [2397 \(2017\)](#) unless it is determined that a national of the Democratic People's Republic of Korea is a national of the Republic of Kazakhstan or a national of the Democratic People's Republic of Korea 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;
- Submit to the Ministry of Foreign Affairs of the Republic of Kazakhstan a draft midterm report by 15 months from the date of adoption of resolution [2397 \(2017\)](#) of all nationals of the Democratic People's Republic of Korea earning income in the jurisdiction of the Republic of Kazakhstan that were repatriated over the 12-month period starting from the date of adoption of resolution [2397 \(2017\)](#);

Joint ventures

- Prohibit, by nationals of the Republic of Kazakhstan or in its territory, the opening, maintenance and operation of all joint ventures or cooperative entities, new and existing, with entities or individuals of the Democratic People's Republic of Korea, whether or not acting for or on behalf of the Government of the Democratic People's Republic of Korea, unless such joint ventures or cooperative entities, in particular those that are non-commercial, public utility infrastructure projects not generating profit, have been approved by the Committee in advance on a case-by-case basis;

Close any such existing joint venture or cooperative entity within 120 days of the adoption of resolution [2375 \(2017\)](#) if such joint venture or cooperative entity has not been approved by the Committee on a case-by-case basis;

Sanctions implementation

- Seize and dispose of (such as through destruction, rendering inoperable or unusable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) or [2397 \(2017\)](#) that are identified in inspections not inconsistent with the obligations of the Republic of Kazakhstan 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;

- Inform the Ministry of Foreign Affairs of the Republic of Kazakhstan within one week of all incidents thwarted and action taken in response under this plan of action.
