



## Security Council

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

#### **Note verbale dated 1 April 2019 from the Permanent Mission of Peru to the United Nations addressed to the Chair of the Committee**

The Permanent Mission of Peru 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 transmit herewith the report on measures taken by the Government of Peru to implement Security Council resolutions [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#) (see annex).



**Annex to the note verbale dated 1 April 2019 from the Permanent Mission of Peru to the United Nations addressed to the Chair of the Committee**

**Report of Peru on the implementation of Security Council resolutions [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#)**

**Introduction**

Peru is a nation committed to United Nations efforts to strengthen international peace and security. In that connection, it recognizes the authority of the Security Council to impose measures in accordance with the provisions of Chapter VII of the Charter of the United Nations.

Peru, a country with a long tradition of promoting disarmament, non-proliferation and arms control, advocates a process of general and complete disarmament under effective international control and is a party to all related international regimes, which are its highest foreign policy priority. Peru is a party to the following international instruments, among others:

- Treaty on the Non-Proliferation of Nuclear Weapons, adopted on 1 July 1968, ratified by Peru on 6 February 1970 and in force since 3 March 1970.
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), adopted on 14 February 1967 and in force in Peru since 4 March 1969.
- International Convention for the Suppression of Acts of Nuclear Terrorism, instrument of ratification deposited on 29 May 2009.
- Convention on the Physical Protection of Nuclear Material, adopted by Legislative Decision No. 26376 of 28 October 1994 and in force in Peru since 10 February 1995.
- Comprehensive Nuclear-Test-Ban Treaty, signed by the Government of Peru on 25 September 1996 and adopted by the National Congress at its session on 25 September 1997. The instrument of ratification was deposited on 12 November 1997. Not in force.
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, instrument of ratification deposited on 20 July 1995.
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, instrument of ratification deposited on 5 June 1985.
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, instrument of accession deposited on 13 August 1985.

Peru is committed to implementation of the Security Council resolutions and urges the Democratic People's Republic of Korea to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities; and to abandon all other existing weapons of mass destruction and ballistic missile programmes.

In that regard, the Government of Peru has condemned the nuclear tests and ballistic missile launches conducted by the Democratic People's Republic of Korea because it believes that they seriously threaten international peace and security and

flagrantly violate that country's international disarmament and non-proliferation obligations, including under the relevant Security Council resolutions.

Peru hopes for an early resumption of the negotiations aimed at a political solution on denuclearization of the Korean Peninsula.

### **Measures to implement resolution 2371 (2017)**

Pursuant to Supreme Decree No. 016-2007-RE on the publication of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, Ministerial Decision No. 0554/2017-RE of 11 August 2017 provided for the publication in the official gazette *El Peruano* of the substantive summary of Security Council resolution 2371 (2017) on the non-proliferation of weapons in the Democratic People's Republic of Korea.

Publication of the summary represents completion of the domestic legal procedures for ensuring that these sanctions are implemented by all government sectors and agencies.

### **Asset-freeze measures (para. 3)**

#### *Legal framework*

To ensure implementation of relevant Security Council resolutions and to improve domestic regulations in effect, on 13 July 2016 the Superintendency of Banks, Insurance and Private Pension Fund Administrators adopted Decision No. 3862-2016, which regulates the mechanisms and procedures permitting the Financial Intelligence Unit of Peru to freeze administratively the funds or other assets of individuals or entities associated with terrorism or its financing, and those of individuals or entities associated with the proliferation of weapons of mass destruction and its financing, identified pursuant to Security Council resolutions, with special reference to the resolutions on the Democratic People's Republic of Korea, including their follow-up resolutions.

In that regard, the Financial Intelligence Unit has the authority to order the immediate freezing of funds or assets of individuals or legal entities included in:

- (a) Security Council lists drawn up pursuant to resolutions on terrorism and terrorist financing;
- (b) Security Council lists drawn up pursuant to resolutions on the financing of the proliferation of weapons of mass destruction.

#### *Measures taken*

In response to a formal request from the Ministry of Foreign Affairs on 10 August 2017, the Financial Intelligence Unit asked all entities of the Peruvian financial system to provide information on accounts held by the individuals and entities listed in annexes I and II to Security Council resolution 2371 (2017), any individuals or entities acting on their behalf or at their direction and entities owned or controlled by such persons or entities, including through illicit means.

That month, the Financial Intelligence Unit notified the entities of the Peruvian financial system (banks, financial institutions, savings and loan associations and cooperatives) in writing of the action required by the Security Council and requested information on any accounts held by the listed individuals and entities. To date, no reports have been received; the Peruvian financial system therefore has no record of any assets in the names of the individuals and entities on the sanctions list.

**Measures to prevent trade in certain products (paras. 8, 9 and 10)**

On 10 August 2017, the Ministry of Foreign Affairs notified the General Directorate for the Legal Management of International Trade of the Ministry of External Trade and Tourism in writing that the Democratic People's Republic of Korea was prohibited from supplying, selling or transferring, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, the following products, whether or not they originate in its territory: coal, iron and iron ore, seafood (including fish, crustaceans, molluscs and other aquatic invertebrates in all forms), lead and lead ore. To date, none of the listed products have been traded with that country.

**Measures prohibiting the issuance of work authorizations (para. 11)**

On 10 August 2017, the Ministry of Foreign Affairs notified the National Migration Authority in writing that Peru must not, at any time following the resolution's adoption, exceed the total number of work authorizations issued to nationals of the Democratic People's Republic of Korea at the time the resolution was adopted.

It also requested that the Ministry be informed of all visa applications submitted by citizens of the Democratic People's Republic of Korea, with a view to carrying out more extensive checks on those applications.

Lastly, according to information from the National Migration Authority in its report of 7 July 2018, six citizens of the Democratic People's Republic of Korea left Peru on 16 May and there is no record of them re-entering the country.

**Measures prohibiting the opening of legal entities (para. 12)**

On 10 August 2017, the Ministry of Foreign Affairs notified the National Public Records Agency in writing of the prohibition on the opening of new joint ventures or cooperative entities in Peru or by Peruvian nationals with entities or individuals of the Democratic People's Republic of Korea and the prohibition on the expansion of existing joint ventures through additional investments, whether or not acting for or on behalf of the Government of the Democratic People's Republic of Korea.

To date, no requests to open companies with links to the Democratic People's Republic of Korea have been reported.

**Measures to implement resolution [2375 \(2017\)](#)**

Pursuant to Supreme Decree No. 016-2007-RE on the publication of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, Ministerial Decision No. 0651/2017-RE provided for the publication in the official gazette *El Peruano* of the substantive summary of Security Council resolution [2375 \(2017\)](#) on the non-proliferation of weapons in the Democratic People's Republic of Korea.

Publication of the summary represents completion of the domestic legal procedures for ensuring that these sanctions are implemented by all government sectors and agencies.

**Asset-freeze measures (para. 3)***Legal framework*

To ensure implementation of relevant Security Council resolutions and to improve domestic regulations in effect, on 13 July 2016 the Superintendency of

Banks, Insurance and Private Pension Fund Administrators adopted Decision No. 3862-2016, which regulates the mechanisms and procedures permitting the Financial Intelligence Unit of Peru to freeze administratively the funds or other assets of individuals or entities associated with terrorism or its financing, and those of individuals or entities associated with the proliferation of weapons of mass destruction and its financing, identified pursuant to Security Council resolutions, with special reference to the resolutions on the Democratic People's Republic of Korea, including their follow-up resolutions.

In that regard, the Financial Intelligence Unit has the authority to order the immediate freezing of funds or assets of individuals or legal entities included in:

- (a) Security Council lists drawn up pursuant to resolutions on terrorism and terrorist financing;
- (b) Security Council lists drawn up pursuant to resolutions on the financing of the proliferation of weapons of mass destruction.

#### *Measures taken*

In response to a formal request from the Ministry of Foreign Affairs on 22 September 2017, the Financial Intelligence Unit asked all entities of the Peruvian financial system to provide information on accounts held by the individuals and entities listed in annexes I and II to Security Council resolution [2375 \(2017\)](#), any individuals or entities acting on their behalf or at their direction and entities owned or controlled by such persons or entities, including through illicit means.

That month, the Financial Intelligence Unit notified the entities of the Peruvian financial system (banks, financial institutions, savings and loan associations and cooperatives) in writing of the action required by the Security Council and requested information on any accounts held by the listed individuals and entities. To date, no reports have been received; the Peruvian financial system therefore has no record of any assets in the names of the individuals and entities on the sanctions list.

#### **Measures to prevent trade in certain products (paras. 13 to 16)**

On 22 September 2017, the Ministry of Foreign Affairs notified the General Directorate for the Legal Management of International Trade of the Ministry of External Trade and Tourism in writing that the Democratic People's Republic of Korea is prohibited from supplying, selling or transferring, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, the following products, whether or not they originate in its territory: all condensates and natural gas liquids and textiles (including but not limited to fabrics and partially or fully completed apparel products).

It also advised that Peru is prohibited from supplying, selling or transferring to the Democratic People's Republic of Korea, in any period of 12 months after the date of adoption of the resolution, an amount of crude oil in excess of the amount supplied, sold or transferred by Peru in the 12-month period preceding adoption of the resolution.

To date, none of the listed products have been traded with that country.

#### **Measures prohibiting the issuance of work authorizations (para. 17)**

On 22 September 2017, the Ministry of Foreign Affairs notified the National Migration Authority in writing that Peru must not, at any time following the resolution's adoption, exceed the total number of work authorizations issued to

nationals of the Democratic People's Republic of Korea at the time the resolution was adopted.

It also requested that the Ministry be informed of all visa applications submitted by citizens of the Democratic People's Republic of Korea, with a view to carrying out more extensive checks on those applications.

Lastly, according to information from the National Migration Authority in its report of 7 July 2018, six citizens of the Democratic People's Republic of Korea left Peru on 16 May and there is no record of them re-entering the country.

### **Measures to implement resolution 2397 (2017)**

Pursuant to Supreme Decree No. 016-2007-RE on the publication of Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, Ministerial Decision No. 0007/RE-2018 of 5 January 2018 provided for the publication in the official gazette *El Peruano* of the substantive summary of Security Council resolution 2397 (2017) on the non-proliferation of weapons in the Democratic People's Republic of Korea.

Publication of the summary represents completion of the domestic legal procedures for ensuring that these sanctions are implemented by all government sectors and agencies.

### **Asset-freeze measures (paragraph 3)**

#### *Legal framework*

To ensure implementation of relevant Security Council resolutions and to improve domestic regulations in effect, on 13 July 2016 the Superintendency of Banks, Insurance and Private Pension Fund Administrators adopted resolution SBS No. 3862-2016, which regulates the mechanisms and procedures permitting the Financial Intelligence Unit of Peru to freeze administratively the funds or other assets of individuals or entities associated with terrorism or its financing, and those of individuals or entities associated with the proliferation of weapons of mass destruction and its financing, identified pursuant to Security Council resolutions, with special reference to the resolutions on the Democratic People's Republic of Korea, including their follow-up resolutions.

In that regard, the Financial Intelligence Unit has the authority to order the immediate freezing of funds or assets of individuals or legal entities included in:

- (a) Security Council lists drawn up pursuant to resolutions on terrorism and terrorist financing;
- (b) Security Council lists drawn up pursuant to resolutions on the financing of the proliferation of weapons of mass destruction.

#### *Measures taken*

In response to the formal request from the Ministry of Foreign Affairs on 5 January 2018, the Financial Intelligence Unit asked all entities of the Peruvian financial system to provide information on accounts held by the individuals and entities listed in annexes I and II to Security Council resolution 2397 (2017), any individuals or entities acting on their behalf or at their direction and entities owned or controlled by such persons or entities, including through illicit means.

That month, the Financial Intelligence Unit notified the entities of the Peruvian financial system (banks, financial institutions, savings and loan associations and cooperatives) of the action required by the Security Council and requested

information on accounts held by the listed individuals and entities. To date, no reports have been received; the Peruvian financial system therefore has no record of any assets in the name of the individuals or entities on the sanctions list.

#### **Measures to prevent trade in certain products (paras. 4 to 7)**

On 5 January 2017, the Ministry of Foreign Affairs notified the Directorate General for the Legal Management of International Trade of the Ministry of External Trade and Tourism the Directorate in writing that Peru is prohibited from supplying, selling or transferring, directly or indirectly, to the Democratic People's Republic of Korea, through its territory or by its nationals, or using its flag vessels, aircraft, pipelines, rail lines or vehicles, the following products, whether or not they originate in its territory: crude oil, refined petroleum products, all industrial machinery (HS codes 84 and 85), transportation vehicles (HS codes 86 through 89) and iron, steel and other metals (HS codes 72 through 83).

In addition, the Ministry informed the Directorate that the Democratic People's Republic of Korea is prohibited from directly supplying, selling or transferring food and agricultural products (HS codes 12, 08, 07), machinery (HS code 84), electrical equipment (HS code 85), earth and stone including magnesite and magnesia (HS code 25), wood (HS code 44) and vessels (HS code 89), and that Peruvian nationals are prohibited from procuring the above-mentioned commodities and products from the Democratic People's Republic of Korea. The Democratic People's Republic of Korea is also prohibited from directly or indirectly selling or transferring fishing rights.

In a letter dated 9 August 2018, the Deputy Minister for Foreign Affairs, Ambassador Hugo de Zela Martínez, asked the National Customs and Tax Authority and the Southern Peru Copper Corporation to strengthen measures to guarantee the effective compliance with and implementation of the above-mentioned measures that fell within the purview of the Authority.

In a letter dated 14 August 2018, the Southern Peru Copper Corporation indicated that the companies in its sector are fully complying with all of the obligations of Peru under resolution [2397 \(2017\)](#).

To date, none of the listed products have been traded with the Democratic People's Republic of Korea.

#### **Repatriation (para. 8)**

On 5 January 2018, the Ministry of Foreign Affairs sent a communication to the National Migration Authority informing it of the obligation of Peru to repatriate immediately to the Democratic People's Republic of Korea all nationals of that country earning income in the jurisdiction of Peru and all Democratic People's Republic of Korea government safety oversight attachés monitoring these workers abroad.

It also requested that the Ministry be informed of all visa applications submitted by citizens of the Democratic People's Republic of Korea, with a view to carrying out more extensive checks on those applications.

Between 1 January 2018 and 27 March 2019, the Ministry of Foreign Affairs granted three official visas to citizens of the Democratic People's Republic of Korea:

- One visa to a Democratic People's Republic of Korea staff member of the International Committee of the Red Cross, for 10 days, to undertake an official mission for that organization

- Two visas to Democratic People's Republic of Korea diplomats, for eight days, to take care of administrative matters at the country's embassy in Lima.

According to information from the National Migration Authority in its report of 7 July 2018, six citizens of the Democratic People's Republic of Korea left Peru on 16 May and there is no record of them re-entering the country.

#### **Cancellation of registration of ships (para. 12)**

On 5 January 2018, the Ministry of Foreign Affairs notified the National Customs and Tax Authority and the Directorate of International Affairs and Policy of the Peruvian Navy in writing of the obligation of Peru to deregister any vessel it has reasonable grounds to believe has been involved in prohibited activities or the transport of prohibited items, and of the prohibition on registering any vessel that has been deregistered by another Member State. Furthermore, the Ministry provided information on the obligation to prevent the direct or indirect supply, sale or transfer of new or used vessels to the Democratic People's Republic of Korea.

To date, there have been no reported incidents, from which it can be concluded that there are no registered vessels in the Peruvian customs system for which reasonable grounds exist to believe they are involved in the transport of items included in the sanctions list.

#### **Conclusion**

Peru, a member of the Security Council and a country committed to international peace and security, has taken concrete steps to implement effectively the sanctions imposed by the Council.

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