

“Act on Special Measures concerning
Cargo Inspections etc. pursuant to
UNSC Resolution 1874 etc.”

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Outline

1. Related UNSC Resolutions
2. Measures required under UNSCR 1874
3. Purposes and main provisions of the Cargo Inspection Act
4. Enforcement agencies
5. Maritime and Airport Training Exercises
6. Key areas for effective implementation of the Act

Related UN Security Council Resolutions

Development of Events (Threat posed by North Korea)

UNSC Resolutions

2006

- July 5: Missile Launches
- Oct. 9: Announcement of Nuclear Test

2006

July 15: UNSC Res. 1695

Oct. 14: UNSC Res. 1718

2009

- April 5th: Missile Launch
- May 25th: Nuclear Test

2009

**April 13: Statement of
UNSC President**

June 12: UNSC Res. 1874

Measures required under UNSCR 1874

“reasonable grounds to believe the cargo contains prohibited items”

■ Inspect all cargo to and from the DPRK

■ Inspect vessels on the high seas

with the consent
of the flag State

■ Cooperate with inspections

■ Direct the vessels to an appropriate and convenient port

if the flag State
does not consent

■ Seize and dispose prohibited items

Why we needed the Act

- **To give enforcement agencies legal authorities to take necessary measures, such as inspection, seizure and disposal of “DPRK related items” and direction of vessels:**

- Inspection of vessels with cargo not originated in or destined to Japan (transfer between the DPRK and third countries)
- Inspection of foreign vessels on the high seas
- Direction order to Japanese vessels
- Seizure and disposal of proscribed items

“Act on Special Measures concerning Cargo Inspections etc. pursuant to UNSC Resolution 1874 etc.”

- **Enactment: May 2010 (entry into force in July 2010)**
- **Purposes of the Act :**
 - **to stipulate procedures for cargo inspection and other measures for “DPRK related items”**
 - **to ensure effective implementation of the relevant UNSC resolutions**
 - **to remove the threat posed by the DPRK’s nuclear tests and missile activities to peace and security of the international community including Japan**

■ “DPRK related items”

“items the supply, sale, transfer, or export of which is prohibited” by UNSCR 1718 (par. 8(a), (b), (c)) and 1874 (par. 9 and 10)

- **all arms and related materials** (*SALW export to the DPRK still allowed, with prior notification)
- **WMD related items**
- **luxury goods** (*33 items were added in the “DPRK related items” list in June 2011)

Enforcement Agencies

■ The Japan Coast Guard (JCG)

→ Inspection of vessels

- The JCG has 12,000 staff members, and 480 officers with foreign language ability are assigned to local stations across the country and carry out inspections of foreign vessels.



■ Japan Customs

→ Inspection of cargoes at seaports/airports and in bonded areas



Inspection of Imported Goods



Air Cargoes

“Act on Special Measures concerning Cargo Inspections etc. pursuant to UNSC Resolution 1874 etc.”

Area	Measures
<ul style="list-style-type: none">➤ Internal waters ➤ Territory<ul style="list-style-type: none">• seaports and airports• bonded area• territorial sea ➤ High seas (including EEZ)	<ul style="list-style-type: none">➤ Inspection ➤ Submission of the items ➤ Storage<ul style="list-style-type: none">• return• destruction• sale <div data-bbox="1570 933 1951 1045" style="border: 1px solid black; padding: 5px; display: inline-block; margin-left: 20px;">UNSCR 1874 "seize" & "dispose"</div>

Flow Chart of Maritime Inspection in accordance with the provisions in the Act

Receive information on the cargo carrying “DPRK related items”

High seas

Territorial sea

Internal water

Consent of the flag State
 No Yes

Direction order by the flag State

Consent of the Captain
 Yes No

Consent of the Captain
 No Yes

Direction order by the JCG

penalties apply to non-compliant

Inspection by local authorities at designated ports

Identification of the items

- Onboard inspection
- Inspection of documents
- Sampling
- Discharge, transshipment

Order submission and store the items

Main measures in the Act

(1) Cargo inspection (Article 3) → UNSCR 1874 par.11 & 12

The Commandant of Japan Coast Guard and the Director-General of Customs may order their respective officials to undertake cargo inspections of a vessel, if there is information that provides reasonable grounds to believe the cargo contains “DPRK related items”.

(2) Submission of items (Article 4) → UNSCR 1874 par.11 & 12

When it has been verified that the cargo contains “DPRK related items”, the Commandant of Japan Coast Guard may order the captain of the vessel to submit the items and the Director-General of Customs may order the owner of the cargo to submit the items.

Main measures in the Act

(3) Storage of items (Article 5)

UNSCR 1874 par.14
“seize and dispose”

The Commandant of Japan Coast Guard and the Director-General of Customs shall store the items submitted. The stored items (a) shall be returned to the owner, (b) must be destroyed (in the case of CBW), or (c) may be sold, in accordance with the provisions in this article.

(4) Direction of vessels (Article 6)

UNSCR 1874 par.13

The Commandant of Japan Coast Guard may order the captain to direct the vessel to proceed to an appropriate and convenient port for the required inspection (in the absence of consent by the flag State, in case of poor weather conditions, etc.) .

Main measures in the Act

(5) Consent of the flag State (Article 8) → UNSCR 1874 par.12

In the case of foreign vessels on the high seas, the consent of the flag State is required when conducting cargo inspections, or giving orders to submit items or to direct vessels to ports.

(6) Penalties (Articles 13, 14 and 15)

Penalties (imprisonment or fine) shall be imposed to those who do not comply with the request for cargo inspections or with orders to submit items or to direct vessels to ports.

Maritime Training Exercise for the Enforcement of the Act (July, 2010) (1-1)

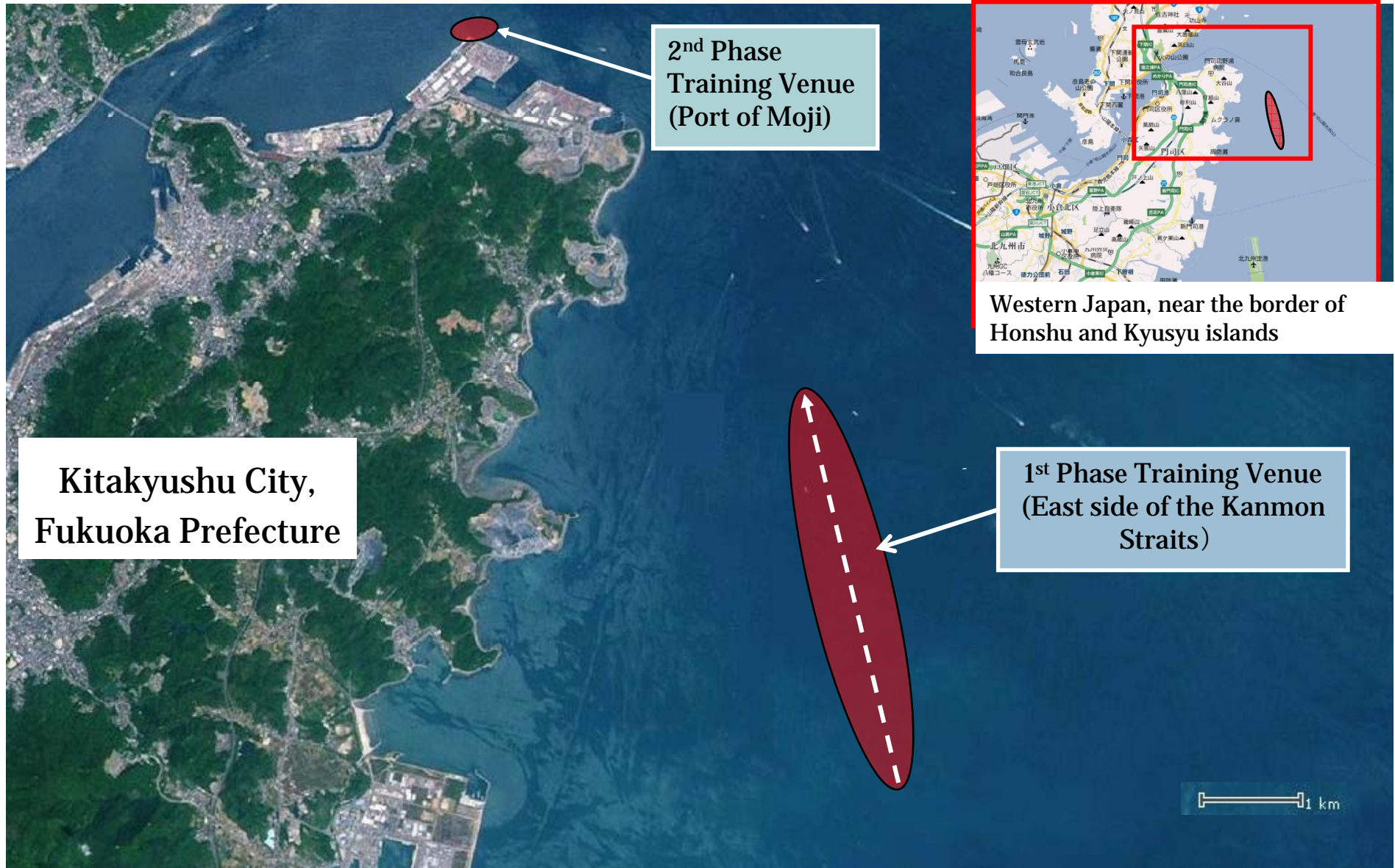


Image of the 1st Phase Training Exercise (1-2)

Details of the Exercise:

1. After obtaining the consent of the flag State, the JCG requests the foreign vessel A suspected to carry “DPRK related items” to stop for inspection on the high seas.
2. The captain of the vessel A denies the request, and the JCG orders the captain to direct the vessel to a designated port, gives warnings and regulates its course.
3. After the vessel A has stopped, the JCG conducts on-board inspection.

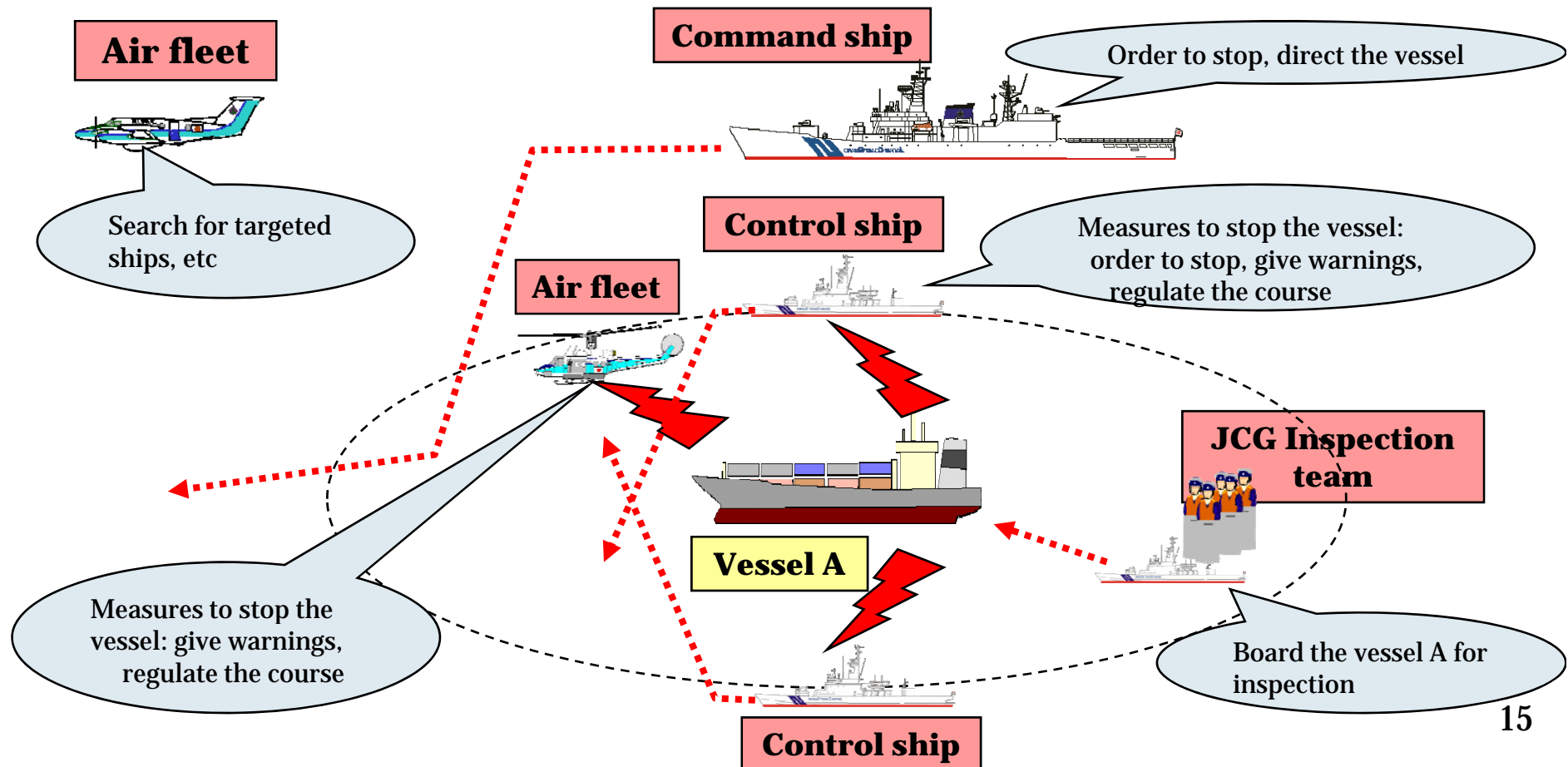
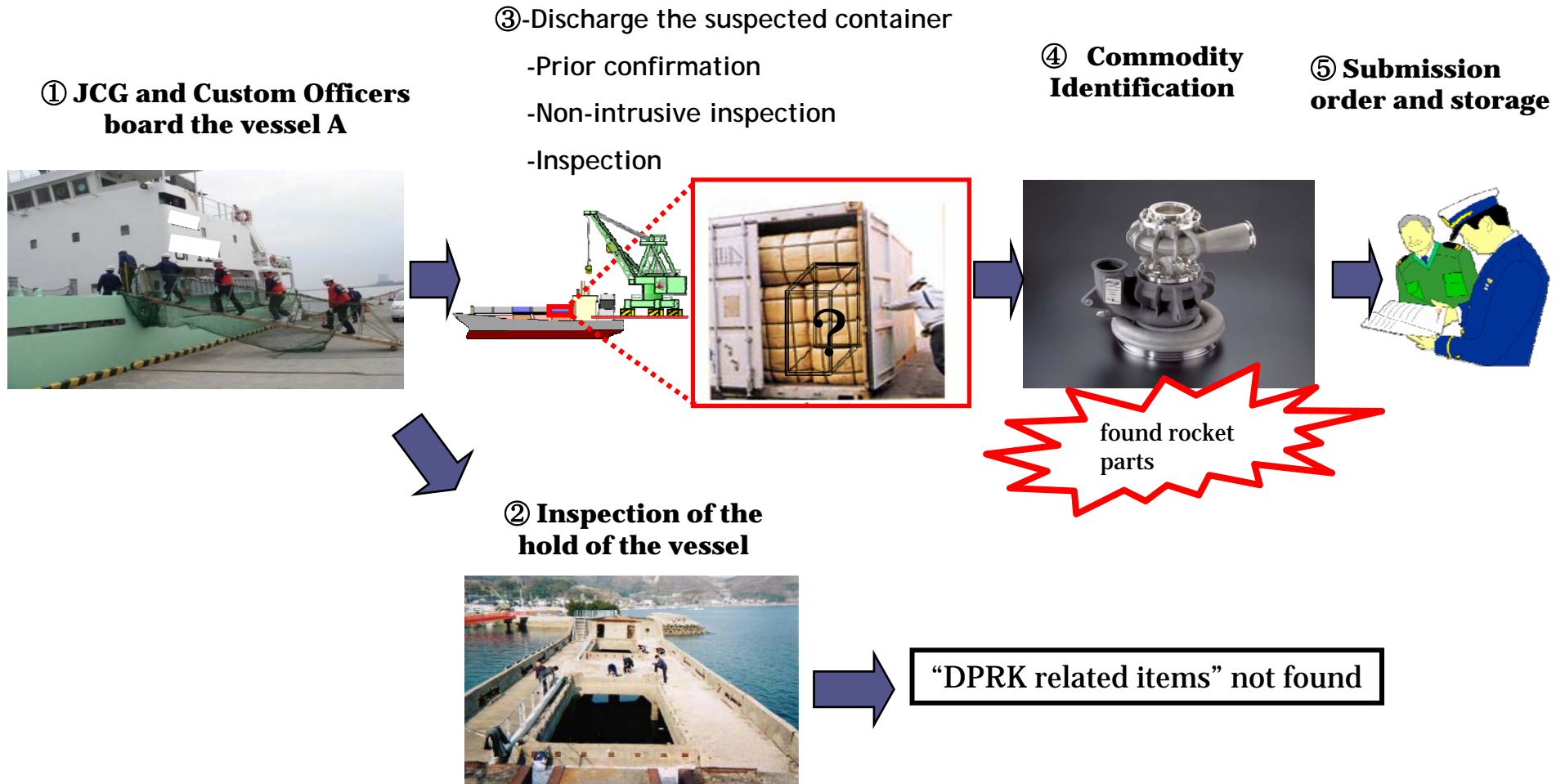


Image of the 2nd Phase Training Exercise (1-3)

Detail of the Exercise:

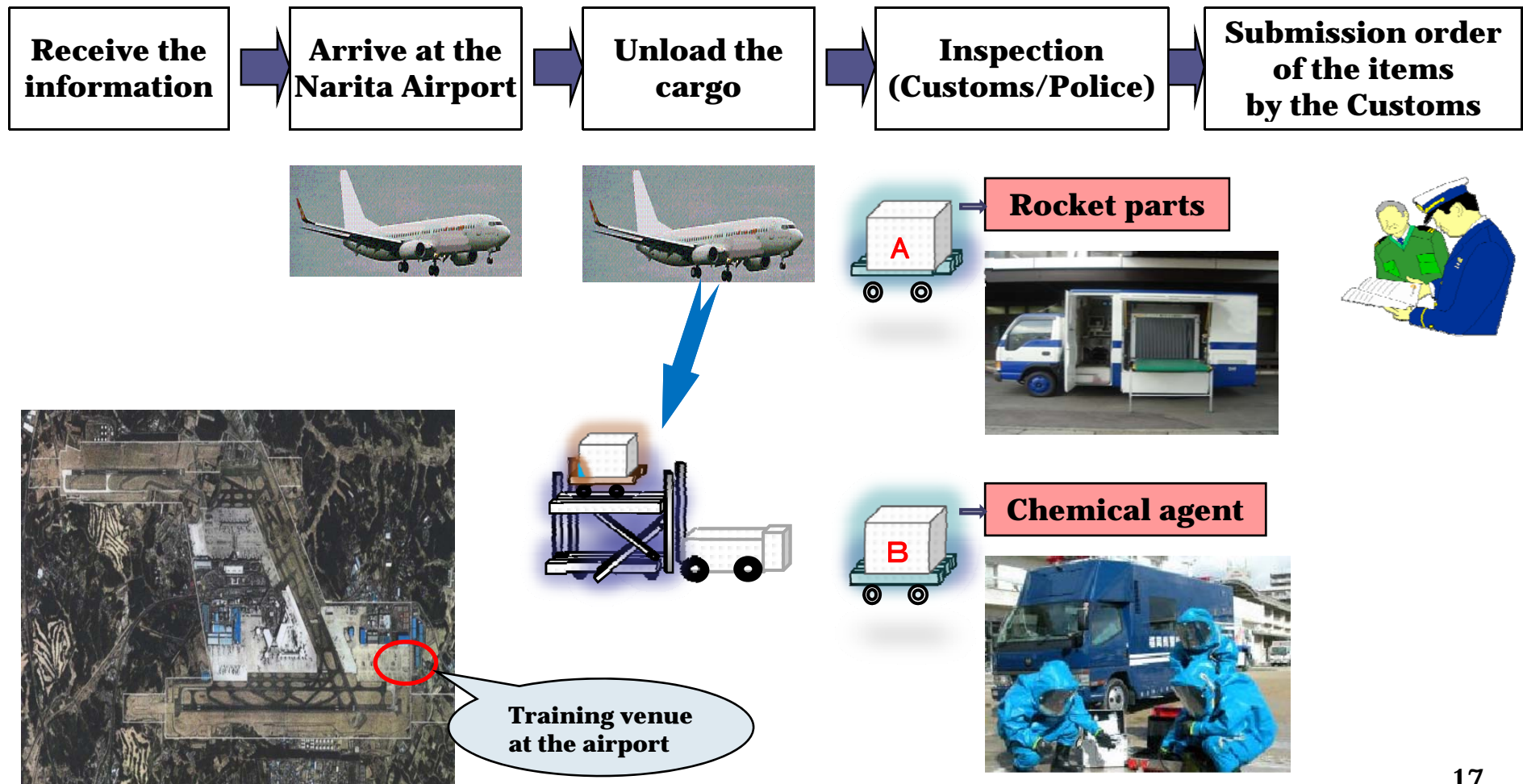
- Cargo inspection of the vessel A at the port of Moji.



Airport Training Exercise for the Enforcement of the Act (December, 2010)

Scenario:

An airplane scheduled to land at the Narita International Airport for transit is suspected to carry “DPRK related items”—rocket parts and military-use chemical agent—destined to Pyongyang.



Key Areas for Effective Implementation

- **Inter-agency coordination and cooperation**
- **Ability to identify proscribed items**
- **Information/intelligence collection function**
- **Disposal of submitted items**
- **Communication with the captain and the flag State**