

# **Inter-agency cooperation for the effective implementation of UNSCR 1874**

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

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**Issei KUBOTA  
Non-proliferation, Science and Nuclear Energy Division  
Ministry of Foreign Affairs, Japan**

# Outline

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- 1. Background (related UNSCRs)**
- 2. Measures required under UNSCR 1874**
- 3. Cargo Inspection Act**
- 4. Inter-agency cooperation under the Act**
- 5. Maritime and airport training exercises**
- 6. Conclusion**

# Background : North Korea-related UN Security Council Resolutions/Presidential Statements



## Development of events (Threat posed by North Korea)

## UNSC Resolutions/Statements

<b>2006</b> <ul style="list-style-type: none"><li>• <u>July 5: Missile launches</u></li><li>• <u>Oct. 9: Announcement of nuclear test</u></li></ul>	→	<b>2006</b> <p>July 15: UNSC Res. 1695</p> <p><u>Oct. 14: UNSC Res. 1718</u></p>
<b>2009</b> <ul style="list-style-type: none"><li>• <u>April 5: Missile launch</u></li><li>• <u>May 25: Nuclear test</u></li></ul>	→	<b>2009</b> <p>April 13: UNSC Presidential Statement</p> <p><u>June 12: UNSC Res. 1874</u></p>
<b>2012</b> <ul style="list-style-type: none"><li>• <u>April 13: "Satellite" launch</u></li></ul>	→	<b>2012</b> <p>April 16: UNSC Presidential Statement</p>
<b>2013</b> <ul style="list-style-type: none"><li>• <u>Jan. 13 : "Satellite" launch</u></li><li>• <u>Feb. 12 : Nuclear test</u></li></ul>	→	<b>2013</b> <p><u>Jan. 11 : UNSC Res. 2087</u></p>

# Measures required under UNSCR 1874

“reasonable grounds to believe the cargo contains prohibited items”

- **Inspect all cargo to and from the DPRK (para.11)**
- **Inspect vessels on the high seas (para.12)**  with the consent of the flag State
- **Cooperate with inspections (para.13)**
- **Direct the vessels to an appropriate and convenient port (para.13)**  if the flag State does not consent to inspection on the high seas
- **Seize and dispose prohibited items (para.14)**

# Cargo Inspections Act (1/4)

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

➤ **Entry into force: 4 July 2010**

➤ **2 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 (JC)**

✓ **Inspection of cargoes at seaports/airports and in bonded areas**



Inspection of Imported Goods



Air Cargoes

# **Cargo Inspections Act (2/4)**

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

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## **➤ Main articles:**

### **(1) Cargo inspection (Article 3)** ← **UNSCR 1874 para.11 & 12**

**The Commandant of JCG/the Director-General of JC 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 “North Korea-related items” (=prohibited items) .**

### **(2) Submission of items (Article 4)** ← **UNSCR 1874 para.11 & 12**

**When it has been verified that the cargo contains “North Korea-related items”, the Commandant of JCG/the Director-General of JC may order the captain of the vessel to submit the items.**

## **Cargo Inspections Act (3/4)**

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

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### **➤ Main articles:**

#### **(3) Storage of items (Article 5)** ← **UNSCR 1874 para.14 “seize and dispose”**

**The Commandant of JCG/the Director-General of JC shall store the items submitted. The stored items could be (i) returned to the owner (if preventive measure against re-export to the North Korea has been taken, etc.) , (ii) destroyed (in the case of CBW), or (iii) sold (if the storage cost is very expensive, etc.).**

#### **(4) Direction of vessels (Article 6)** ← **UNSCR 1874 para.13**

**The Commandant of JCG 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 captain of the vessel to conduct inspections, in case of poor weather conditions, etc.) .**

**Cargo Inspections Act (4/4)**  
***(“Act on Special Measures concerning Cargo Inspections etc.  
pursuant to UNSC Resolution 1874 etc.” )***

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➤ **Main articles**

**(5) Consent of the flag State (Article 8)** ← **UNSCR 1874 para.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.**



# Inter-agency cooperation under the Cargo Inspections Act (1/2)

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## ➤ Establishment of the Inter-Agency Liaison Conference

### ● For effective response to specific cases:

- ✓ Consolidation of information on “North Korea-related Items” from different agencies with 24-hour support
- ✓ Assessment of the consolidated information to determine whether the information provides “reasonable grounds”

### ● For preparations on a routine basis:

- ✓ Gathering reference materials for the identification of “North Korea-related Items”
- ✓ Assessment of equipment installed in ports and airports for the purpose of designating a suitable inspection site

### <Main Participants of the Inter-Agency Liaison Conference >

- Cabinet Secretariat
- Ministry of Foreign Affairs (MOFA)
- Ministry of Economy, Trade and Industry (METI)
- Ministry of Finance (MOF), Japan Customs (JC)
- Ministry of Defense (MOD)
- National Police Agency (NPA)
- Public Security Intelligence Agency (PSIA)
- Ministry of Land, Infrastructure, Transport and Tourism (MLIT)
- Japan Coast Guard (JCG)

## **Inter-agency cooperation under the Cargo Inspections Act (2/2)**

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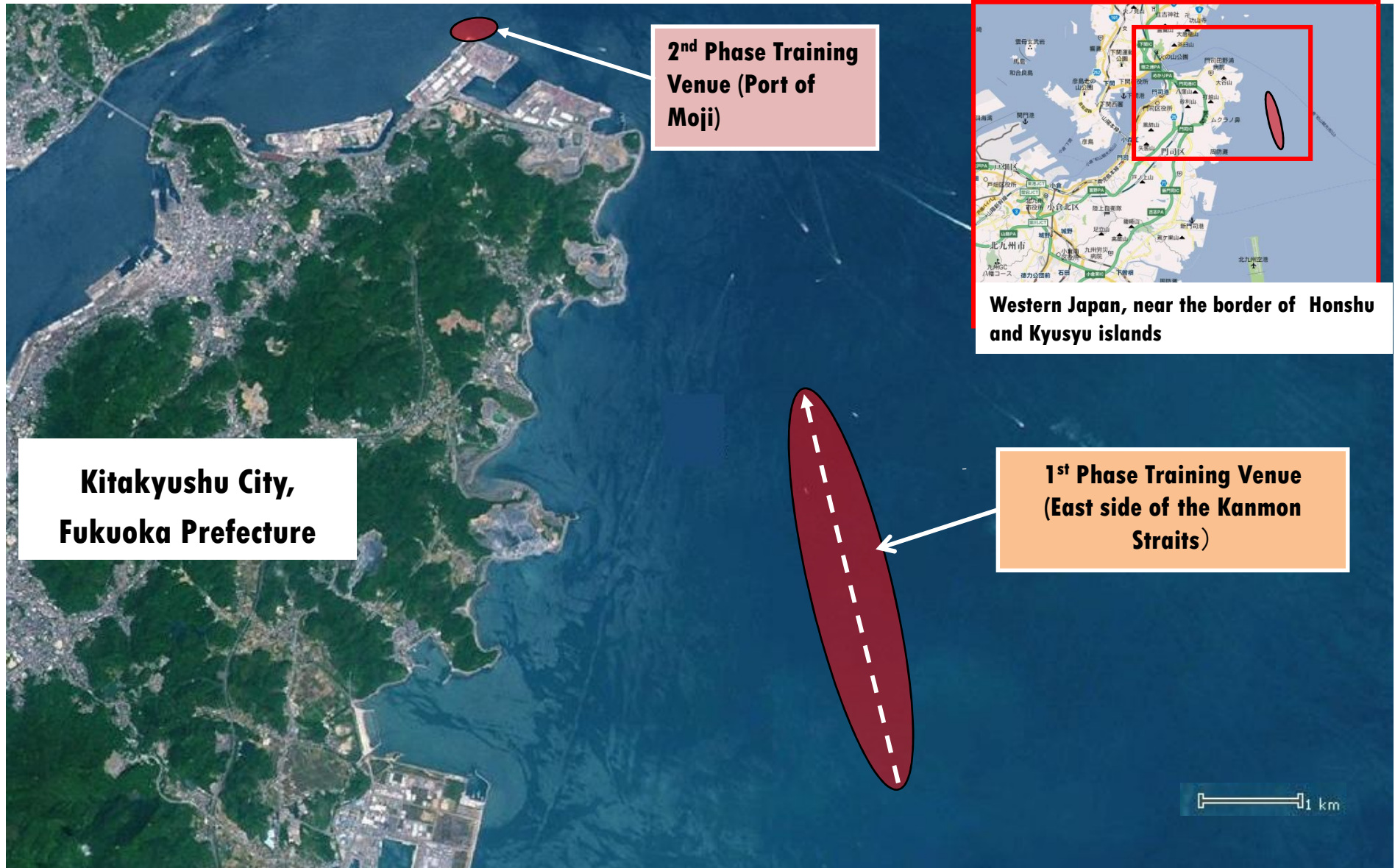
### **➤ Maritime/airport training exercises**

- ✓ Confirm the appropriate procedures of inspection, identification and disposal**
- ✓ Ensure the close collaboration and coordination between the Japan Coast Guard and Japan Custom**



**About 4,000,000 vessels (98,000 of which are foreign vessels) come into Japanese ports a year**

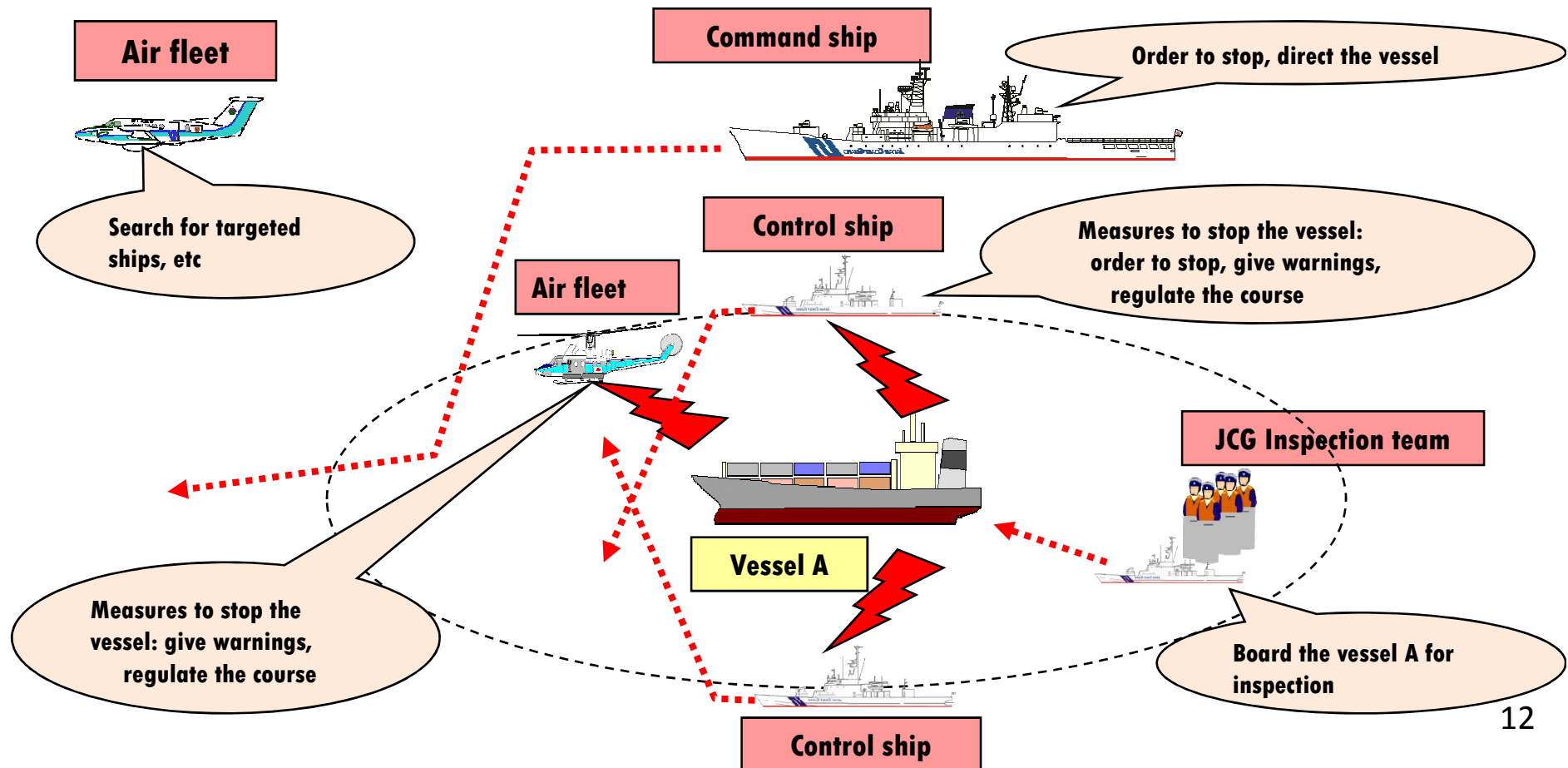
# Maritime training exercise (July, 2010) (1/3)



# Image of the 1<sup>st</sup> phase: Maritime training exercise (2/3)

## Details of the Exercise:

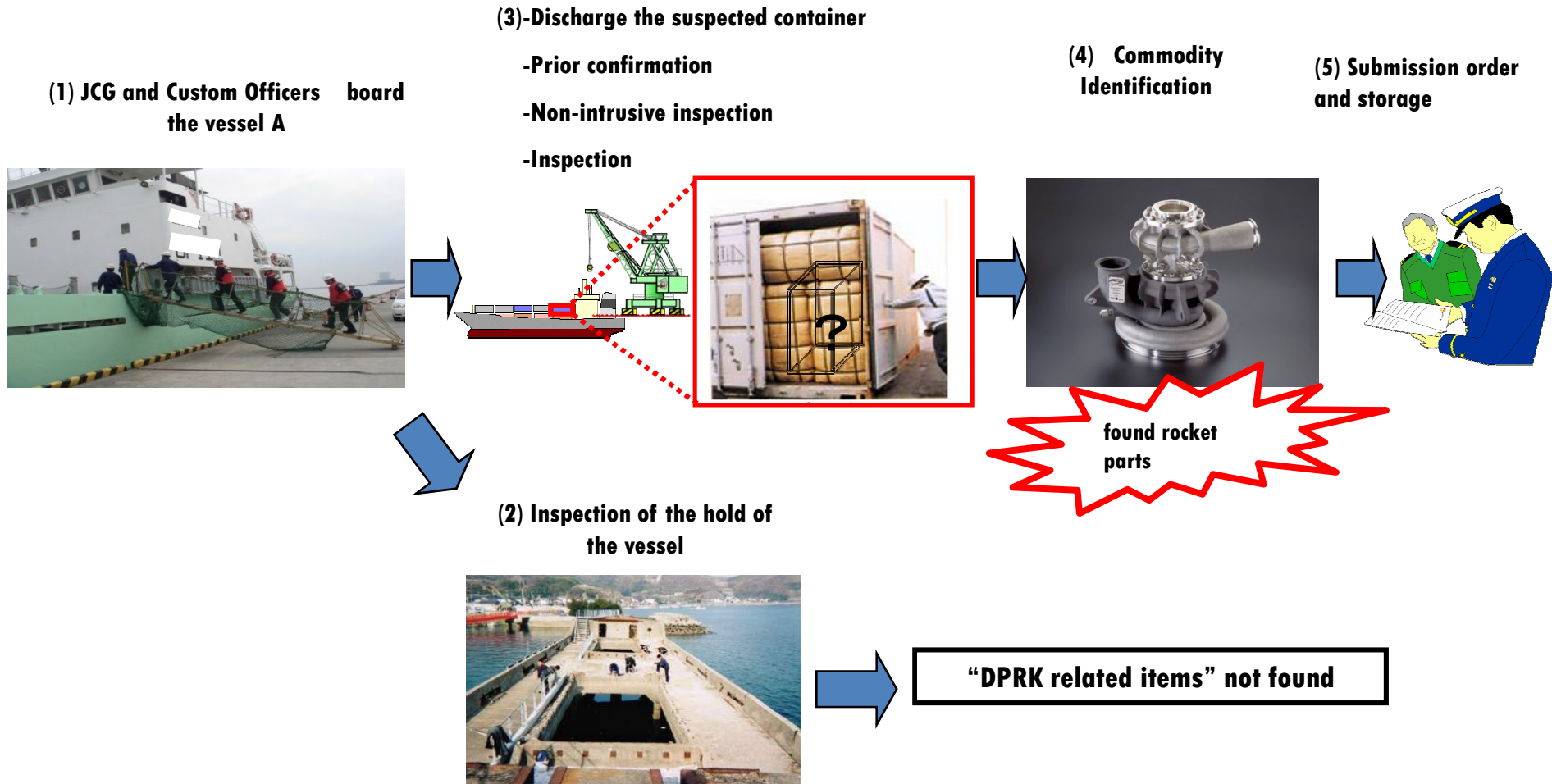
1. After obtaining the consent of the flag State, the JCG requests the foreign vessel A suspected to carry “North Korea-related items” to stop for inspection on the high seas.
2. The captain of the vessel A denies the request, and the JCG orders the captain to direct the vessel to a designated port,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



# Image of the 2<sup>nd</sup> phase: Maritime training exercise (3/3)

## Detail of the Exercise:

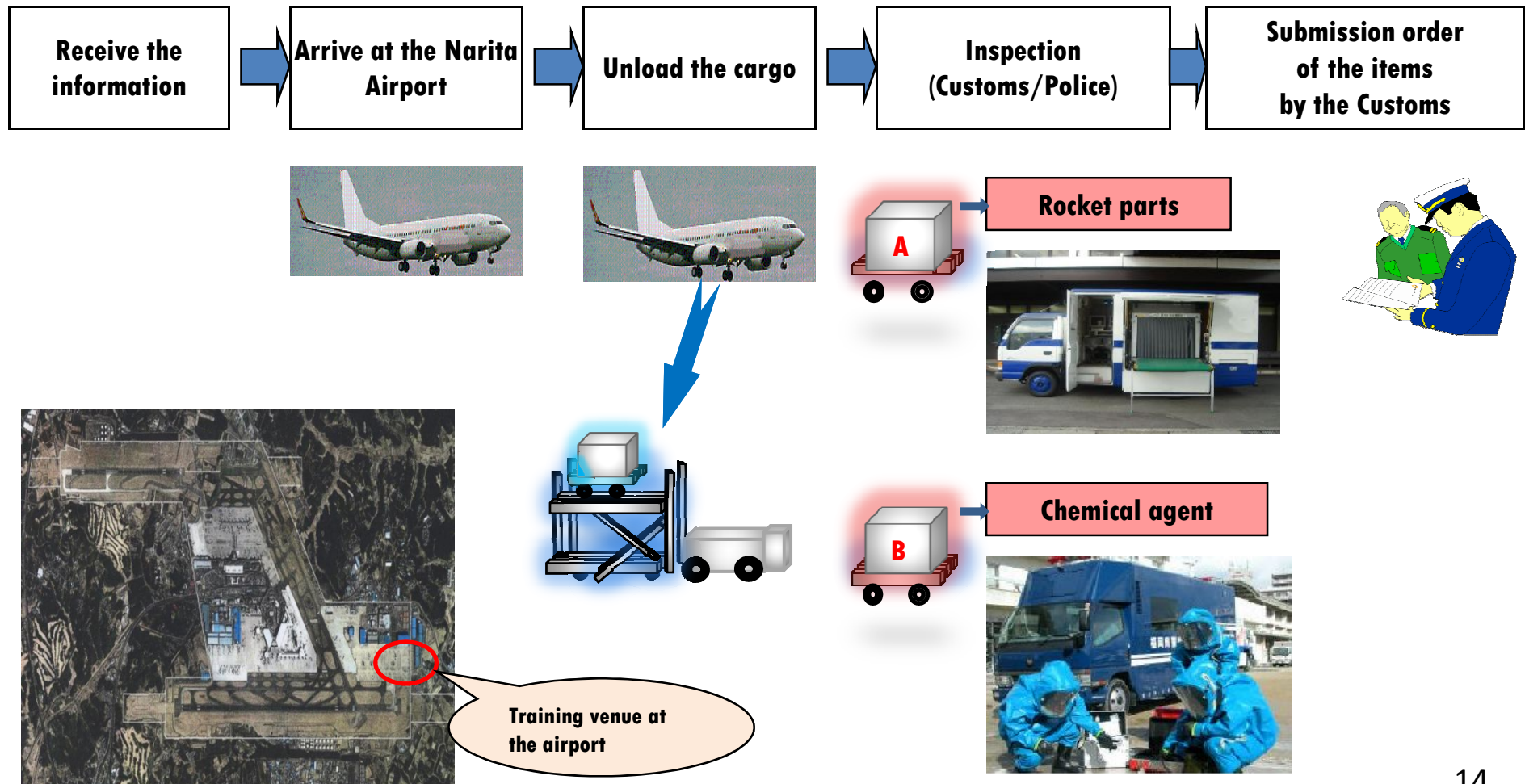
- Cargo inspection of the vessel A at the port of Moji.



# Airport training exercise (December, 2010)

## Scenario:

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



# Conclusion

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- **Inter-agency cooperation is the key to effective implementation of the Cargo Inspection Act**
- **Effective enforcement requires the capacity building of relevant agencies, especially in the following area:**
  - ✓ **Ability to identify prohibited items**
  - ✓ **Information/intelligence collection and analysis function**
  - ✓ **Disposal of submitted items**

**Thank you for your attention!**

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