

Security Council Committee established pursuant to resolution 1718 (2006)

10 August 2010

Information to Assist UN Member States in Carrying out their Obligations under Security Council resolutions 1718 (2006) and 1874 (2009)

1. In response to nuclear tests conducted by the Democratic People's Republic of Korea (DPRK), the UN Security Council adopted two resolutions imposing various sanctions on that country: resolution 1718 (2006) and resolution 1874 (2009). UN Member States, who are obligated under the UN Charter to implement and enforce the measures contained in these resolutions, occasionally discover violations or attempted violations of these sanctions. For example, States sometimes intercept prohibited cargo being transported illicitly to or from the DPRK. When violations are detected, States often initiate criminal investigations to determine if any domestic laws were broken and, if so, to take action to ensure full compliance with these resolutions.

2. The United Nations also investigates reported sanctions violations and may also determine appropriate actions to take in response. The principal body mandated to investigate these violations is the UN Security Council's "**1718 Committee**". Its **Panel of Experts (POE)** assists the Committee in carrying out its mandate. This paper explains the respective mandate of these two bodies and how they generally interact with Member States after a sanctions violation has been detected.

1718 Committee: Examine and Take Appropriate Action on Alleged Violations

3. Named after the 2006 Security Council resolution that established it, the 1718 Committee has a mandate, inter alia, to monitor implementation of sanctions imposed in resolutions 1718 (2006) and 1874 (2009), examine and take appropriate action regarding alleged sanctions violations and make recommendations to strengthen the effectiveness of the measures. The Security Council normally creates a sanctions committee each time it imposes a new sanctions regime; there are currently eleven such committees. The 1718 Committee consists of the same fifteen States that sit on the Security Council and makes decisions by consensus. The current chair of the Committee is the Permanent Representative of Turkey to the UN, Ambassador Ertuğrul Apakan.

4. After a State discovers a sanctions violation, it normally submits a report to the 1718 Committee as soon as possible. Sanctions violations may occur when activities or transactions proscribed by Security Council resolutions are undertaken or attempts are made to engage in proscribed transactions, whether or not the transaction has been completed. These reports, which may be submitted confidentially, should describe the circumstances of the incident, note which Security Council resolution provisions were violated and describe the actions that the State has taken to seize and dispose of any contraband items.

5. After learning of a sanctions violation, the Committee may write letters to all the States involved in the incident to request additional information. For example, the Committee may write to a State whose nationals or flag vessels have been found transferring proscribed items in violation of UN sanctions. These letters are strictly intended to determine or clarify the facts of the case and to assist the Committee in the formulation of recommendations for all Member States. All States are encouraged to respond promptly to requests from the Committee for information.

6. The Committee also gets assistance from its Panel of Experts in compiling and analyzing the facts and circumstances of sanctions violations.

7. After having reviewed the available information with the assistance of its Panel of Experts, the Committee may then take action to respond to the incident. For example, the Committee could provide Member States updated guidance about newly-identified threats of sanctions violations. Every ninety days the Committee also reports to the Security Council, whose members may also discuss the incidents and ways to tighten enforcement.

Panel of Experts (POE): Gather, Examine and Analyze Information

8. Security Council resolution 1874 (2009) established a Panel of Experts (POE) to help the 1718 Committee monitor and improve sanctions implementation. The Security Council often creates expert panels to support sanctions committees. These panels are mandated to provide neutral, fact-based assessments and analysis, as well as recommendations to improve implementation. UN sanctions expert groups currently exist for UN sanctions regimes in Cote d'Ivoire, Liberia, DPRK, Democratic Republic of the Congo (DRC), Somalia/Eritrea, Sudan and the 1267 al-Qaeda/Taliban regime.

9. The POE acts under the direction of the 1718 Committee. It has a mandate to "gather, examine and analyze information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures imposed in resolution 1718 (2006) and [resolution 1874 (2009)], in particular incidents of non-compliance." Its offices are located in New York, although it travels regularly to exchange information with governments. The team consists of seven members with specialized technical backgrounds in relevant fields, namely nuclear issues, weapons of mass destruction proliferation, finance, export control/nuclear items, missile technology, regional issue and customs.

10. The POE also supports other Committee efforts, including outreach to Member States on issues regarding sanctions implementation, monitoring of sanctions implementation and analysis of trends and "best practices" regarding sanctions enforcement.

11. The Security Council has urged "all States...to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed" in resolutions 1718 (2006) and 1874 (2009). States are encouraged to respond promptly and thoroughly to such requests for information and invite the POE to visit and inspect any items that may have been seized by national authorities.

12. Because sanctions violations often involve multiple States, the POE may need to compile information from many sources to determine the full circumstances of a violation. In a final stage, the POE may submit to the Committee an "Incident Report" that will lay out the factual record of the incident, provide analysis and make recommendations for a Committee response. These reports are confidential to the Committee.

Special Considerations: Facilitating Cooperation

13. The Committee and its POE are aware that sanctions violations often have complex -- and sometimes delicate -- political and legal ramifications. The Committee and its POE are therefore committed to responding to these incidents with sensitivity and, when requested, strict confidentiality. The POE may also ensure that its visits are low profile and do not bring unwanted attention to either the reporting State or other States involved in a sanctions violation. The Committee and its POE further recognize that sometimes States may be unwilling to share information that may reveal sensitive intelligence sources and methods.

14. The Committee stands ready to provide information or additional guidance as may be requested by Member States. Although the responsibility for implementing resolutions 1718 (2006) and 1874 (2009) rests with Member States, the Committee seeks to support and assist States in carrying out these obligations. Full implementation of these resolutions -- including, when necessary, close cooperation with the Committee and its POE -- is a hallmark of responsible membership in the international community.

ANNEX I: Panel of Experts (POE) Mandate

Resolution 1874 (2009), paragraph 26: Requests the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to seven experts (“Panel of Experts”), acting under the direction of the Committee to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in resolution 1718 (2006) and the functions specified in paragraph 25 of this resolution; (b) gather, examine and analyze information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures imposed in resolution 1718 (2006) and in this resolution, in particular incidents of non-compliance; (c) make recommendations on actions the Council, or the Committee or Member States, may consider to improve implementation of the measures imposed in resolution 1718 (2006) and in this resolution; and (d) provide an interim report on its work to the Council no later than 90 days after adoption of this resolution, and a final report to the Council no later than 30 days prior to termination of its mandate with its findings and recommendations;