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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF FOREIGN AFFAIRS

NOTIFICATION

Islamabad, the 2nd May, 2016

S.R.O. 403(I)/2016.—WHEREAS the United Nations Security Council acting under Chapter VII of the United Nations Charter *vide* its resolution 2270 (2016)¹ has expanded the scope of its existing sanctions against the Democratic People's Republic of Korea ("DPRK"), in furtherance of its previous related resolutions, with respect to, arms and related materials, non-proliferation, proliferation networks, interdiction and transportation, provision of banking services, assets freeze, travel ban, financial measures, specialized teaching and training, coal and minerals ban, fuel ban, and luxury goods ban;

WHEREAS section 2 of the United Nations (Security Council) Act, 1948 (XIV of 1948) empowers the Federal Government to apply measures to give effect to the decisions of the United Nations Security Council;

¹The Resolution can be accessed here:<http://www.un.org/press/en/2016/sc12267.doc.htm>

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AND WHEREAS the measures decided and directed to be taken under this S.R.O. shall be in addition to the measures already in force as set forth in S.R.O. No. 1063(I)/2006 dated 20 October 2006, S.R.O. No. 1289(I)/2006 dated 30 December 2006, S.R.O. No. 667(I)/2009 dated 18 July 2009, S.R.O. No. 690(I)/2009 dated 27 July 2009, S.R.O. No. 697(I)/2012 dated 06 June 2012 and S.R.O. No. 219(I)/2013 dated 19 March 2013.

NOW, THEREFORE, in exercise of the aforementioned powers and in pursuance of the obligations imposed in the S.R.O (s) aforementioned, the Federal Government has decided that all concerned shall note and take all necessary measures for implementation of the operative paragraphs No. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 of the United Nations Security Council resolution 2270 (2016). Without prejudice to the generality of the foregoing paragraphs of the United Nations Security Council resolution 2270 (2016), the Federal Government is pleased to decide as follows:

1. To prevent, in pursuance of paragraph 3 (c) S.R.O. No. 1063(I)/2006 and paragraph 8 (c) of the United Nations Security Council resolution 1718 (2006), any transfer, to the DPRK by nationals of Pakistan or from its territory, or from the DPRK by its nationals or from its territory into Pakistan, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of nuclear-related, ballistic missile-related or other weapons of mass destruction-related items, materials, equipment, goods and technology.
2. The mandate of paragraph 3 (a) of S.R.O. No. 1063(I)/2006 and paragraph 8 (a) of the United Nations Security Council resolution 1718 (2006) shall also apply to all arms and related material, including small arms and light weapons and their related material, as well as to financial transactions, technical training, advice, services or assistance related to the provisions, manufacture, maintenance or use of such arms and related material.
3. The obligations imposed in paragraphs 3 (a), 3 (b) and 3 (c) of S.R.O. No. 1063(I)/2006 and paragraphs 8 (a), 8 (b) and 8 (c) of the United Nations Security Council resolution 1718 (2006), as extended by paragraphs 9 and 10 of the United Nations Security Council resolution 1874 (2009) and S.R.O. No. 667(I)/2009, shall apply with respect to the shipment of items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering, and marketing, regardless of whether ownership or control is transferred, and the measures specified in paragraph 3 (e) of S.R.O. No. 1063(I)/2006 and paragraph 8 (e) of United Nations Security Council resolution 1718 (2006) shall

also apply to any individual traveling for the purposes of carrying out the activities described in this paragraph.

4. The measures imposed in paragraphs 3 (a) and 3 (b) of S.R.O. No. 1063(I)/2006 and paragraphs 8 (a) and 8 (b) of the United Nations Security Council resolution 1718 (2006) shall also apply to any item if the Federal Government determines that such item could contribute to the DPRK's nuclear or ballistic missile programs or other weapons of mass destruction programs, activities prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and 2270 (2016), or to the evasion of measures imposed by the United Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).
5. The prohibited items list² as issued and maintained from time to time by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) shall be followed by all concerned for the purposes of ban on export to and import from the DPRK of such items.
6. The mandate of paragraphs 3 (a) and 3 (b) of S.R.O. No. 1063(I)/2006 and paragraphs 8 (a) and 8 (b) of the United Nations Security Council resolution 1718 (2006) shall also apply to any item, except food or medicine, if it is determined by the Federal Government that such item could directly contribute to the development of the DPRK's operational capabilities of its armed forces. This provision shall cease to apply to the supply, sale or transfer of an item, or its procurement, if:
 - (a) The Federal Government determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and also not related to any activity prohibited by United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) and S.R.O. No. 1063(I)/2006 dated 20 October 2006, S.R.O. No. 1289(I)/2006 dated 30 December 2006, S.R.O. No. 667(I)/2009 dated 18 July 2009, S.R.O. No. 690(I)/2009 dated 27 July 2009, S.R.O. No. 697(I)/2012 dated 06 June 2012, S.R.O. No. 219(I)/2013 dated 19 March 2013 or this S.R.O. Provided that the Federal Government shall inform the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) in advance regarding measures taken to prevent the diversion of the item for such other purposes; or

² The prohibited items lists are updated periodically by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006). It can be accessed here: <https://www.un.org/sc/suborg/en/sanctions/1718/prohibited-items>

- (b) The Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) determines on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).
7. In pursuance of paragraph 9 of the United Nations Security Council resolution 1874 (2009) and S.R.O. No. 667(I)/2009, it shall be prohibited to engage in the hosting of trainers, advisors, or other officials from the DPRK for the purposes of military, paramilitary or police-related training.
 8. The mandate of paragraph 3 (d) of S.R.O. No. 1063(I)/2006 and paragraph 8 (d) of the United Nations Security Council resolution 1718 (2006) shall also apply to the individuals and entities listed in Annex I and Annex II of the United Nations Security Council resolution 2270 (2016).
 9. The mandate of paragraph 3 (e) of S.R.O. 1063(I)/2006 and paragraph 8 (e) of the United Nations Security Council resolution 1718 (2006) shall also apply to the individuals listed in Annex I of the United Nations Security Council resolution 2270 (2016) and to individuals acting on their behalf or at their directions.
 10. The "economic resources" as referred to in paragraph 3 (d) of S.R.O. No. 1063(I)/2006 and paragraph 8 (d) of the United Nations Security Council resolution 1718 (2006), includes assets of every kind, whether tangible or intangible, movable or immovable, actual or potential, which potentially may be used to obtain funds, goods, or services, such as vessels (including maritime vessels).
 11. The consolidated sanctions list,³ after passing of the United Nations Security Council resolution 2270 (2016), issued by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) shall be followed by all concerned for the purposes of asset freeze and travel ban of individuals and entities listed therein.
 12. If the Federal Government determines that a DPRK diplomat, governmental representative, or other DPRK national acting in a governmental capacity, is working on behalf or at the direction of a

³ The sanction list was last updated on March 02, 2016. It can be accessed here: <https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/1718.pdf>

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designated individual or entity⁴, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), then the said individual (s) or entity (ies) shall be expelled from Pakistan for the purpose of repatriation to the DPRK consistent with applicable national and international law. Provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other United Nations facilities to conduct United Nations business, and the provisions of this paragraph shall not apply with respect to a particular individual if:

- (a) The presence of the individual is required for fulfillment of a judicial process; or
- (b) The presence of the individual is required exclusively for medical, safety or other humanitarian purposes; or
- (c) The Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

13. If the Federal Government determines that an individual who is not a national of Pakistan is working on behalf of or at the direction of a designated individual or entity or assisting the evasion of sanctions or violating the provisions of the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), then the said individual shall be expelled from territories of Pakistan for the purpose of repatriation to that individual's state of nationality, consistent with applicable national and international law, unless the presence of that individual is required for fulfillment of a judicial process or exclusively for medical, safety or other humanitarian purposes; or the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) has determined on a case-by-case basis that the expulsion of that individual would be contrary to the objectives of United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016). Provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations

⁴The term "designated individual or entity" in this S.R.O. means any individual or entity designated by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) or under United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

Headquarters or other United Nations facilities to conduct United Nations business.

14. In pursuance of the obligations imposed in paragraph 3 (d) of S.R.O. No. 1063(I)/2006, paragraph 8 (d) of the United Nations Security Council resolution 1718 (2006), S.R.O. No. 219(I)/2013 and paragraphs 8 and 11 of the United Nations Security Council resolution 2094 (2013), the representative offices of designated entities shall be closed and it shall be prohibited for such entities, as well as individuals or entities acting for or on their behalf, directly or indirectly, from participating in joint ventures or any other business arrangements in Pakistan. If a representative of such an office is a DPRK national, then the said individual shall be expelled from the territories of Pakistan for the purpose of repatriation to the DPRK consistent with the applicable national and international law.
15. All concerned should be aware of the front companies, shell companies, joint ventures and complex opaque ownership structures, that may be used by the DPRK for the purpose of violating measures imposed in the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) and S.R.O. No. 1063(I)/2006 dated 20 October 2006, S.R.O. No. 1289(I)/2006 dated 30 December 2006, S.R.O. No. 667(I)/2009 dated 18 July 2009, S.R.O. No. 690(I)/2009 dated 27 July 2009, S.R.O. No. 697(I)/2012 dated 06 June 2012, S.R.O. No. 219(I)/2013 dated 19 March 2013 or this S.R.O.
16. It shall be prohibited to provide specialized teaching or training to the DPRK nationals of disciplines which could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines.
17. All concerned shall inspect the cargo within or transiting through territory of Pakistan, including airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of the United Nations Security Council

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resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). Such inspections shall be implemented in a manner that minimizes the impact on the transfer of cargo which the Federal Government determines is for humanitarian purposes only.

18. All concerned shall prohibit leasing or chartering flagged vessels or aircraft in Pakistan or provision of crew services from Pakistan to the DPRK. This prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the Federal Government determines to have assisted in the evasion of sanctions or in violating the provisions of the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned. Further, any vessel that is owned, operated or crewed by the DPRK shall be deregistered and any such vessel that is de-registered by another Member State of the United Nations shall not be registered in Pakistan. Provided that this provision shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) in advance on a case-by-case basis accompanied by the following:
- (a) information demonstrating that such activities are exclusively for livelihood purposes which will not be used by the DPRK individuals or entities to generate revenue; and
 - (b) information on measures taken to prevent such activities from contributing to violations of the aforementioned United Nations Security Council resolutions.
19. All concerned shall prohibit Pakistani nationals, individuals or entities, from registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and from owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the DPRK. Provided that this measure shall not apply to activities notified in advance by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) on a case-by-case basis, following provision to the Committee by the Federal Government of detailed information on the activities, including the names of individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes which will not be used by the DPRK individuals

or entities to generate revenue and on measures taken to prevent such activities from contributing to violations of the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

20. No permission shall be granted to any aircraft to take off from, land in or overfly Pakistan if any information exists that provides reasonable grounds to the Federal Government to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), except in the case of an emergency landing.
21. A vessel shall not be allowed entry into ports of Pakistan if the Federal Government has information that provides reasonable grounds to believe that such vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), unless entry is required in the case of an emergency or in the case of return to its port of origination, or for inspection, or unless the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of the United Nations Security Council resolution 2270 (2016).
22. The mandate of S.R.O. No. 667(I)/2009, paragraphs 14 to 16 of the United Nations Security Council resolution 1874 (2009) and paragraph 8 of the United Nations Security Council resolution 2087 (2013) shall also apply to any items the supply, sale or transfer of which is prohibited by the United Nations Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) identified in inspections pursuant to paragraph 17 of this S.R.O.
23. The procurement of coal, iron, and iron ore from the DPRK shall be prohibited. Provided that this provision shall not apply with respect to:
 - (a) Coal that the Federal Government confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason). Provided that the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) has been notified in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or

ballistic missile programs or other activities prohibited by the United Nations Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016); and

- (b) Transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by the United Nations Security Council resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).
24. The procurement of gold, titanium ore, vanadium ore, and rare earth minerals from the DPRK shall be prohibited.
25. To prevent the sale or supply of aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel, whether or not originating in the territory of Pakistan, to the territory of the DPRK, or unless the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use. Provided that this provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight.
26. The mandate of paragraph 3 (d) of S.R.O. No. 1063(I)/2006 and paragraph 8 (d) of the United Nations Security Council resolution 1718 (2006) shall apply to all the funds, other financial assets and economic resources outside of the DPRK that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the Federal Government determines are associated with the DPRK's nuclear or ballistic missile programs or other activities prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016). It shall be further ensured that any funds, financial assets or economic resources are prevented from being made available to or for the benefit of such individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them. Provided that these measures shall not apply with respect to funds, other financial assets and economic resources that are required to carry out activities of the DPRK's missions to the United Nations and

its specialized agencies and related organizations or other diplomatic and consular missions of the DPRK, and to any funds, other financial assets and economic resources that the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) determines in advance on a case-by-case basis are required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of the United Nations Security Council resolution 2270 (2016).

27. The opening and operation of new branches, subsidiaries, and representative offices of DPRK banks in Pakistan shall be prohibited. Further it shall also be prohibited for the financial institutions within Pakistan from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with the DPRK banks, unless such transactions have been approved by the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) in advance. All necessary measures shall be taken to close such existing branches, subsidiaries and representative offices, and also to terminate such joint ventures, ownership interests and correspondent banking relationships with the DPRK banks within ninety days from the promulgation of this S.R.O.
28. It shall be prohibited for financial institutions within Pakistan from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK.
29. All necessary measures shall be taken to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days of promulgation of this S.R.O., if the Federal Government has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016). Provided that this provision shall not apply if the Committee constituted under paragraph 12 of the United Nations Security Council resolution 1718 (2006) determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialized agencies or related organizations, or for any other purposes consistent with the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

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30. All sorts of public and private financial support from Pakistan for trade with the DPRK (including the granting of export credits, guarantees or insurance to its nationals or entities involved in such trade) shall be prohibited where the Federal Government determines that such financial support could contribute to the DPRK's nuclear or ballistic missile programs or other activities prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), including paragraph 8 of resolution 2270 (2016).
31. The measures set forth in S.R.O. No. 219(I)/2013 dated 19 March 2013 and paragraph 11 of the United Nations Security Council resolution 2094 (2013) shall apply to the transfers of gold, including through gold couriers, transiting to and from the DPRK so as to ensure such transfers of gold do not contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by the United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), or to the evasion of measures imposed by the aforementioned resolutions.
32. The Financial Action Task Force (FATF) Recommendation 7, its interpretive Note, and related guidance to effectively implement targeted financial sanctions related to proliferations shall be implemented.
33. It is clarified that the luxury goods, transfer of which is prohibited to the DPRK under paragraph 3 (a) (iv) of S.R.O. No. 1063(I)/2006 and paragraph 8 (a) (iii) of the United Nations Security Council resolution 1718 (2006), shall include, but not limited to, items specified in Annex V of the United Nations Security Council resolution 2270 (2016).
34. The Federal Government shall remain actively seized of the matter.

Sd/-
Ministry of Foreign Affairs.