

A.L. 275 ta' l-2006

**ATT DWAR POTERI LI JSIRU REGOLAMENTI
FL-INTERESS NAZZJONALI
(KAP. 365)**

**Regolamenti ta' l-2006 dwar Sanzjonijiet tan-Nazzjonijiet Uniti
fir-rigward tar-Repubblika Popolari Demokratika tal-Korea**

BIS-SAHHA tas-setghat moghtija bl-artikolu 3 ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru ghamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2006 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Popolari Demokratika tal-Korea.

Titolu u
applikabilità.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra -

Tifsir.

“armi” tfisser tankijiet tal-gwerra, vetturi armati tal-kumbattiment, sistemi ta' l-artillerija ta' kalibru gholi, ajruplani tal-ġlied, elikopters ta' l-attakk, bastimenti tal-gwerra, missili jew sistemi missilistiċi, jew materjal li għandu x'jaqsam ma' dawn inklużi *spare parts* tagħhom; hwejjeġ, materjal, tagħmir, oġġetti u teknoloġija kif stabbiliti mill-Kunsill tas-Sigurezza jew mill-Kumitat, u li jistgħu jikkontribwixxu għall-programmi nukleari u li għandhom x'jaqsmu ma' missili ballistiċi u armamenti ta' qerda estensiva tad-DPRK;

“l-Att” tfisser l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali;

“DPRK” hi r-Repubblika Popolari Demokratika tal-Korea;

“il-Kumitat” tfisser il-Kumitat tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti li jikkonsisti fil-membri kollha ta' dak il-Kunsill li jwettqu l-hidmiet kollha stabbiliti fil-paragrafu 12 tar-Risoluzzjoni;

“il-Kunsill tas-Sigurezza” tfisser il-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti;

“ir-Risoluzzjoni” tfisser ir-Risoluzzjoni msemija fir-regolament 3 ta' dawn ir-regolamenti.

Test tar-Risoluzzjoni 1718 (2006).

3. Għall-fini ta' l-artikolu 3 (4) ta' l-Att, Risoluzzjoni numru 1718 (2006) adottata mill-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti fl-14 ta' Ottubru, 2006 qeghda tiġi pubblikata fl-ilsien Inġliż fl-Iskeda li tinsab ma' dawn ir-regolamenti.

Projbizzjoni ta' provvista ta' armi u oġġetti ta' lussu.

4. (1) Il-provvista, bejgh jew trasferiment dirett jew indirett lejn id-DPRK, minn Malta jew minn ċittadini ta' Malta, jew billi jintużaw bastimenti jew ajruplani li jtajru l-bandiera ta' Malta, ta' armi jew oġġetti ta' lussu, sew jekk dawn joriġinaw minn Malta sew jekk le, u l-ġhoti ta' kull tahrig tekniku, parir, servizz jew assistenza relatati mal-forniment, manufattura, manutenzjoni jew użu ta' dawk l-armi, huma projbiti.

(2) Il-ksib minn ċittadini ta' Malta, jew billi jintużaw bastimenti jew ajruplani li jtajru l-bandiera ta' Malta, ta' armi mid-DPRK, sew jekk dawk l-armi joriġinaw fit-territorju tad-DPRK sew jekk le, huwa projbit.

Dhul f' Malta jew passagg ta' persuni involuti fi programmi missilistiċi nukleari.

5. (1) Ebda persuna msemija mill-Kumitat jew mill-Kunsill ta' Sigurezza bhala li tkun responsabbli, tappoġġa jew tippromwovi l-politika tad-DPRK dwar programmi nukleari u li għandhom x'jaqsmu ma' missili ballistiċi u armamenti ta' qerda estensiva tad-DPRK, ma tista' tidhol f' Malta jew tghaddi minn Malta.

(2) Id-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament għandhom ikunu wkoll japplikaw għall-membri tal-familja ta' dawk il-persuni u xejn m'għandu jobligha lil Malta li ma thallix ċittadini tagħha jidhlu fil-pajjiż.

(3) Il-miżuri imposti bis-subregolament (1) ta' dan ir-regolament m'għandhomx japplikaw meta l-Kumitat jistabilixxi li dak l-ivvjaġġar ikun ġustifikat minhabba f' xi esiġenza umanitarja, inkluża xi obligazzjoni reliġjuża, jew meta l-Kumitat jiddeċidi li xi eżenzjoni tkun tippromwovi l-oġġettivi tar-Risoluzzjoni.

Iffriżar ta' flejjes u attiv finanzjarju.

6. (1) Kull flejjes, attiv finanzjarju iehor u riżorsi ekonomiċi li jkunu jinsabu f' Malta u li jkunu jappartjenu lil, jew ikunu direttament jew indirettament kontrollati mill-persuni jew entitajiet imsemija mill-Kumitat jew mill-Kunsill tas-Sigurezza konformement mar-regolament 5 (1) ta' dawn ir-regolamenti, jew li jkunu miżmuma minn entitajiet li jkunu jappartjenu lil, jew ikunu direttament jew indirettament kontrollati minn persuni li jaġixxu f' isimhom jew fuq ordni mogħtija minnhom, kif imsemmi mill-Kumitat, għandhom jiġu ffrizati minnufih.

(2) Dawk il-flejjes, attiv finanzjarju jew riżorsi ekonomiċi ghandhom ikunu prevenuti milli jintghamlu disponibbli minn xi persuna jew entità f'Malta lil jew għall-benefiċċju ta' dawk il-persuni jew entitajiet.

(3) Id-disposizzjonijiet ta' dan ir-regolament ma japplikawx għal flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi li jkunu ġew stabbiliti mill-awtoritajiet f'Malta:

(a) bhala mehtieġa għal spejjeż bażiċi, inkluż il-hlas għall-ikel, kera jew *mortgage*, mediċini u kura medika, taxxi, *premiums* ta' l-assigurazzjoni, u hlasijiet għal utilitajiet pubbliċi, jew esklużivament għall-hlas ta' drittijiet professjonali raġonevoli u l-hlas lura ta' spejjeż imġarrba assoċjati ma' l-ġhoti ta' servizzi legali, jew drittijiet jew hlasijiet għal servizzi ta' rutina għaž-żamma jew manutenzjoni ta' flejjes iffriżati, attiv finanzjarju ieħor u riżorsi ekonomiċi, wara li jinghata avviż lill-Kumitat ta' l-intenzjoni li tiġi awtorizzata, meta dan ikun adatt, l-aċċessibilità għal dawk il-flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi, u sakemm ma tinghatax deċiżjoni negattiva mill-Kumitat, dak li jinsab hawn qabel imsemmi għandu jsir fi żmien hamest ijiem tax-xogħol minn meta jinghata dak l-avviż;

(b) bhala mehtieġa għal spejjeż straordinarji, sakemm deċiżjoni bhal dik tkun ġiet avżata lill-Kumitat u tkun ġiet approvata mill-Kumitat; jew

(c) bhala l-mertu ta' rahan ġudizzjarju, amministrattiv jew ta' arbitraġġ, jew ta' sentenza, f'liema każ il-flejjes, attiv finanzjarju ieħor u riżorsi ekonomiċi jistgħu jintużaw biex jissodisfaw dak ir-raham jew dik is-sentenza:

Iżda dak ir-raham jew dik is-sentenza ghandhom ikunu inghataw sehħ qabel id-data tar-Risoluzzjoni, ma jkunux għall-benefiċċju ta' persuna minn dawk imsemmija fis-subregolament (1) ta' dan ir-regolament jew ta' individwu jew entità identifikati mill-Kunsill tas-Sigurezza jew mill-Kumitat, u jkunu ġew avżati lill-Kumitat.

7. Kull min għandu s-setgħa ta' spezzjon jista', skond ma jkun mehtieġ, jispezzjona tagħbija sejra lejn jew ġejja mid-DPRK sabiex jiżgura konformità mal-prevenzjoni ta' traffikar illeċitu ta' armamenti nukleari, kimiċi jew bioloġiċi, il-mezzi ta' twassil tagħhom u ta' materjal li jkollu x'jaqsam magħhom.

Spezzjon ta' tagħbija.

8. Min jinsab hati ta' reat kontra dawn ir-regolamenti jista', meta jinsab hati, jehel multa ta' mhux iżjed minn hamsin elf lira Maltija.

Piena.

(Regolament 3)

United Nations

S/RES/1718 (2006)



Security Council

Distr.: General
14 October 2006

Resolution 1718 (2006)

**Adopted by the Security Council at its 5551st meeting, on
14 October 2006**

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

Deploring the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

Deploring further that the DPRK has refused to return to the Six-Party talks without precondition,

Endorsing the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and *determining* therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and *underlines* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the

Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention

to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate

tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. *Underlines* that further decisions will be required, should additional measures be necessary;

17. *Decides* to remain actively seized of the matter.

L.N. 275 of 2006

**NATIONAL INTEREST (ENABLING POWERS) ACT
(CAP. 365)**

**United Nations Sanctions (Democratic People's Republic of
Korea) Regulations, 2006**

IN exercise of the powers conferred by article 3 of the National Interest (Enabling Powers) Act, the Prime Minister has made the following regulations:-

1. The title of these regulations is the United Nations Sanctions (Democratic People's Republic of Korea) Regulations, 2006. Citation.

2. In these regulations, unless the context otherwise requires - Interpretation.

“the Act” means the National Interest (Enabling Powers) Act;

“arms” means any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, or related materiel including spare parts; items, materials, equipment, goods and technology as determined by the Security Council or the Committee, which could contribute to the DPRK's nuclear, ballistic missile and weapons of mass destruction related programmes;

“the Committee” means the Committee of the Security Council of the United Nations consisting of all the members of the said Council to undertake the tasks set out in paragraph 12 of the Resolution;

“DPRK” is the Democratic People's Republic of Korea;

“the Resolution” means the resolution referred to in regulation 3 hereof;

“the Security Council” means the Security Council of the United Nations.

3. For the purpose of article 3 (4) of the Act, Resolution number 1718 (2006) adopted by the Security Council of the United Nations on the 14th October, 2006 is published in the English language in the Schedule to these regulations. Text of Resolution 1718 (2006).

Prohibition of supply of arms and of luxury goods.

4. (1) The direct or indirect supply, sale or transfer to the DPRK from Malta or by citizens of Malta, or using Malta's flag vessels or aircraft, of arms and luxury goods, whether or not originating from Malta, and the provision of any technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, is prohibited.

(2) The procurement by citizens of Malta, or using Malta's flag vessels or aircraft, of arms from the DPRK, whether such arms originate in the territory of the DPRK or not, is prohibited.

Entry or transit into Malta of persons involved in nuclear, missile programmes.

5. (1) No persons designated by the Committee or by the Security Council as being responsible for, supporting or promoting the DPRK policies in relation to its nuclear, ballistic missile and weapons of mass destruction related programmes, may enter into or transit through Malta.

(2) The provisions of sub-regulation (1) hereof shall also apply to such persons' family members and nothing shall oblige Malta from refusing entry into its territory to any of its own citizens.

(3) The measures imposed by sub-regulation (1) hereof shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would further the objectives of the Resolution.

Freezing of funds and assets.

6. (1) Any funds, other financial assets and economic resources which are in Malta and which are owned or controlled directly or indirectly by the persons or entities designated by the Committee or by the Security Council pursuant to regulation 5 (1) hereof, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, shall be immediately frozen.

(2) Such funds, financial assets or economic resources shall be prevented from being made available by any person or entity in Malta to or for the benefit of such persons or entities.

(3) The provisions of this regulation do not apply to funds, other financial assets and economic resources that have been determined by the authorities of Malta:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public

utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for the routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification to the Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources, and in the absence of a negative decision by the Committee the foregoing shall be effected within five working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien, or of a judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement:

Provided that such lien or judgement was entered prior to the date of the Resolution, that they are not for the benefit of a person referred to in sub-regulation (1) hereof or an individual or entity identified by the Security Council or the Committee, and that they have been notified to the Committee.

7. It shall be lawful for any person who is authorized to carry out such activity, to inspect cargo to or from the DPRK, as may be necessary, so as to ensure compliance with the prevention of illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials. Inspection of cargo.

8. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine (*multa*) not exceeding fifty thousand Maltese liri. Penalty.

SCHEDULE

(Regulation 3)

United Nations

S/RES/1718 (2006)



Security Council

Distr.: General
14 October 2006

Resolution 1718 (2006)

**Adopted by the Security Council at its 5551st meeting, on
14 October 2006**

The Security Council,

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41),

Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Expressing the gravest concern at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

Expressing its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

Deploing the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

Deploing further that the DPRK has refused to return to the Six-Party talks without precondition,

Endorsing the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

Underlining the importance that the DPRK respond to other security and humanitarian concerns of the international community,

Expressing profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and *determining* therefore that there is a clear threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and *underlines* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the

Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention

to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate

tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. *Underlines* that further decisions will be required, should additional measures be necessary;

17. *Decides* to remain actively seized of the matter.
