

**Security Council Committee established
pursuant to resolution 1718 (2006)**

6 August 2018

Implementation Assistance Notice No. 7: Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the Democratic People's Republic of Korea

The Security Council Committee established pursuant to resolution 1718 (2006) believes that the following information may be useful to Member States in carrying out their obligations contained in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017). The Security Council has repeatedly affirmed that the measures imposed by the abovementioned resolutions are not intended to have adverse humanitarian consequences for the civilian population of the Democratic People's Republic of Korea (DPRK) or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by these resolutions. Furthermore, many of the measures found in these resolutions contain explicit humanitarian exemptions that include, in some cases, the need to obtain an explicit exemption from the Committee in advance on a case-by-case basis.

Nevertheless, in order to create a comprehensive humanitarian exemption mechanism, paragraph 25 of resolution 2397 (2017) reaffirms that the measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017) are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively or restrict those activities, including economic activities and cooperation, food aid and humanitarian assistance, that are not prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017), and the work of international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK, stresses the DPRK's primary responsibility and need to fully provide for the livelihood needs of people in the DPRK, and decides that the Committee may, on a case-by-case basis, exempt any activity from the measures imposed by these resolutions if the Committee determines that such an exemption is necessary to facilitate the work of such organizations in the DPRK, or for any other purpose consistent with the objectives of these resolutions.

As such, the Committee offers the following recommendations for Member States and international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK.

Format of Exemption Requests

The Committee recommends that Member States and international and non-governmental organizations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK and requiring a 1718 Committee exemption, submit requests for exemptions in a letter containing the following elements:

- Nature of humanitarian assistance proposed to be provided to the DPRK for the benefit of the civilian population of the DPRK;
- Explanation of the DPRK recipients and criteria employed to select beneficiaries;
- Reasons for requiring a Committee exemption;
- Detailed description with quantities and relevant specifications of the goods and services to be provided within the next six months to the DPRK for what purpose and to whom;
- Planned date(s) of proposed transfer to the DPRK within the next six months;
- Planned route(s) and method(s) of transfer including ports of departure and entry to be used for shipments;
- All parties involved in the transfers that can be identified at the time of submission of the application.;
- Financial transactions associated with the transfers;
- Annex containing itemized list of all planned transfers of goods and services with quantities and planned shipment date; and
- Measures to ensure that assistance to be provided to the DPRK are used for the intended purposes and not diverted for prohibited purposes.

The Committee strongly recommends that Member States and international or non-governmental organizations obtaining exemptions should do their utmost to consolidate all planned shipments into one shipment every six months to the extent practicable. The Committee also recommends that Member States and international or non-governmental organizations should seek exemptions approximately every six months. The Committee further recommends that if an applicant who has received a Committee exemption needs to make necessary and well-justified changes to items planned for transfer to the DPRK (such as exact specifications and quantities) and/or parties involved in the transactions, the applicant must promptly notify the Committee of all changes needed for review through one follow-up letter. The Committee would then review all the changes requested and make appropriate adjustments to the exemption it provided, where necessary.

Limitations of 1718 Committee Exemptions

The Committee reminds all international and non-governmental organizations that receiving exemptions from the Committee for United Nations sanctions does not exempt those organizations and their proposed transactions from the relevant domestic regulations and licensing requirements of Member States involved in those transactions. All international or non-governmental organizations requesting exemptions from the Committee must also fully observe relevant regulatory and licensing requirements of Member States that have jurisdiction over all aspects of the proposed transactions and involved parties.

Routing of Exemption Requests from International and Non-Governmental Organizations to the 1718 Committee

There are three ways international or non-governmental organizations can seek exemptions from the Committee as outlined below. However, United Nations agencies, the ICRC, IFRC, and the IOC can continue submitting exemption requests directly to the Committee as they have in the past:

1. **Member States:** Because the resolution imposes obligations on Member States, it is Member States that should submit exemption requests to the Committee on behalf of international or non-governmental organizations seeking to deliver humanitarian assistance to the DPRK.
2. **United Nations:** If a Member State is unable to route such a request to the Committee, the Office of the United Nations Resident Coordinator in the DPRK may serve as a liaison for the international or non-governmental organization to send exemption requests to the Committee.
3. **Committee Secretary:** If both Member States and the Office of the United Nations Resident Coordinator in the DPRK are unable to submit exemption requests to the Committee on behalf of an international or non-governmental organization, the international or non-government organization may submit an exemption request directly to the Committee Secretary. The Committee Secretary will forward exemption requests to the Committee when they meet the following criteria:
 - The requesting entity is an international or non-governmental organization with a track record of having delivered aid to the DPRK or other countries in the past and/or the non-governmental organization is nationally recognized by relevant Member States;
 - The nature of assistance planned to be provided to the DPRK is for humanitarian purposes and benefits the civilian population of the DPRK;
 - The exemption request addresses the informational requirements outlined above.

Committee Approval Process

Due to the time-sensitive nature of humanitarian assistance, the Committee will endeavor to process exemption requests as quickly as possible to provide decisions within a reasonable timeframe in accordance with the Committee Guidelines.

Committee Exemption Approval Letter

After the Committee has reviewed the exemption request, it will issue a response letter with its decision. If the Committee approves the request, it will issue a letter to the requesting party that explains specifically what the Committee approves for transfer to the DPRK. An annex with an approved list of goods and services by quantity and planned shipment date will be appended to the Committee approval letter. The Committee approval letter and its annex will be published on the 1718 Committee website upon issuance for the public, including relevant national authorities involved in reviewing the exempted transfers to the DPRK, for a period of six months, unless the exemption-seeking party requests the Committee to not do so. Furthermore, after authorized transactions have occurred and before the six-month period expires, exemption-seeking parties can request the Committee to remove the exemption letter from its website.

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