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E.O. 12958: DECL: 02/24/2020
TAGS: PREL PHUM ETTC MCAP KN UNSC
SUBJECT: DPRK: SOUTH AFRICA REPORTS SANCTIONS VIOLATION

Classified By: Amb. Alejandro Wolff for Reasons 1.4 (B), (D)

¶1. (C) SUMMARY: South Africa has confidentially reported to the Security Council's North Korea Sanctions Committee ("1718 Committee") a sanctions violation involving the transfer of North Korea-origin conventional arms to the Republic of Congo via China and Malaysia. According to this report, in November 2009 South Africa discovered and seized tank components aboard the 'Westerhever,' a vessel chartered by the subsidiary of a French shipping company. Per standard practice, the Committee will likely write letters to solicit additional information from all of the states involved in this transaction. A UN expert panel will also investigate. END SUMMARY.

¶2. (C) On February 18, South Africa reported to the UN Security Council's North Korea Sanctions Committee ("1718 Committee") a violation of UN sanctions imposed North Korea. The 1718 Committee, which consists of the same fifteen states as the Security Council, has a mandate "to examine and take appropriate action on information regarding alleged violations" of sanctions imposed in UNSCRs 1718 and 1874. Although South Africa requested the report be kept confidential to the Committee, it was immediately leaked to the press.

¶3. (C) In its report, South Africa told the Committee that it had received information at the end of November 2009 about North Korea-origin military equipment being shipped aboard the vessel 'Westerhever' to the Republic of Congo. South Africa reported that a subsequent search of the vessels revealed conventional arms consisting of components for a T54/T55 military tank, including tank communication equipment, gun-sights, tank tracks, periscopes, "HF radio with Chinese markings," protective head gear for tank crewmen and search lights." The shipment was estimated to be worth R6 million (approximately \$770,000)

¶4. (C) South Africa reported that the draft bill of lading identified the containers as "SPARE PARTS OF BULLDOZER," and further identified port of loading as Dalian, China, and the point of discharge as Pointe Noire (Republic of Congo). The items were apparently discharged loaded onto the 'Westerhever' prior to its departure on November 16 from Port Klang, Malaysia. The bill of lading identified the shipping company and consignee to be North Korean firms. South Africa further reported that the 'Westerhever' was chartered by a subsidiary of the French firm CMA CGM. (NOTE: A vessel

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belonging to CMA CGM, the third-largest container shipping firm in the world, was also linked to a sanctions violation reported to the Committee in 2009. END NOTE). Although the vessel's flag state was not identified in South Africa's report, open-source information suggests that the 'Westerhever' was registered in Liberia.

¶5. (C) South Africa also told the Committee that the items are currently being stored in a state-secured warehouse in Durban harbor, where they will remain until the South African authorities have completed an investigation. South Africa promised to share with the Committee additional information about the incident upon completion of its investigation.

¶6. (C) In line with past practice, the Committee is likely to write an initial round of letters to all of the involved states, including North Korea (origin of goods), Congo (destination of goods), Malaysia (transit state), China (transit state), Liberia (flag state) and France (state of the vessel's owner). These letters will request any additional information about the transaction within thirty days. The Committee will likely also respond to South Africa to commend its responsible actions and request South Africa's continued cooperation with the Committee.

¶7. (C) USUN plans also to encourage the Panel of Experts (POE) -- a team mandated in UNSCR 1874 to monitor and improve sanctions implementation -- to conduct a thorough investigation and establish dialogue with the involved states. In a later stage, USUN will encourage the Committee to use this incident to take additional action to deter and detect future violations.
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