

Report

April 2023



THE VALUE OF REPORTING

National Reporting Practices under the UN Sanctions Regime on North Korea

David Atwood, Gian Giezendanner, and Sophie Timmermans



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Kingdom of the Netherlands

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List of abbreviations and acronyms

ATT	Arms Trade Treaty
DPRK	Democratic People’s Republic of Korea
EU	European Union
FSI	Fragile States Index
NIR	National implementation report
OSCE	Organization for Security and Co-operation in Europe
P5	Five permanent members of the UN Security Council
PoA	Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
PoE	Panel of experts
SIDS	Small island developing state
SIPRI	Stockholm International Peace Research Institute
TEU	Twenty-foot equivalent unit
UN-OHRLS	United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States
UNROCA	United Nations Register of Conventional Arms
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

Executive summary

This Report examines reporting by states as an important measure of transparency and trust-building concerning state compliance with international commitments. It does so by focusing on the reporting requirements established by the series of UN Security Council resolutions (UNSCRs) imposing sanctions on the Democratic People's Republic of Korea (DPRK). The regime's effectiveness can be judged to some extent by the frequency and depth of reporting on national implementation of the sanctions by UN member states. The Report provides global and regional insights into national reporting practices and factors that affect reporting. A variety of different lenses are applied to the data to enable a more nuanced picture of national practices. The reporting obligations are examined in relation to other international arms-related instruments that require reporting, with the aim of revealing potential mutually reinforcing dimensions—or synergies—and their possible application to reporting overall. The Report concludes with a series of policy observations that emerge from the research.

Key findings

- The analysis of reporting data on the UN sanctions regime on the DPRK overall confirms the patchiness of national reporting observed in reports by the UN Panel of Experts (PoE) on the DPRK, with a significant number of member states still having failed to submit any national reports.
- The totals and frequency of national reports vary considerably across regions, with Europe presenting the strongest reporting record and Africa the weakest. There are, however, also broad differences within regions.
- State fragility—indicative of macro social, political, cohesion, and economic dynamics—may explain some states’ improvements or declines in reporting, more than national income levels.
- Although limited in its qualitative analysis of national reporting, the study highlights a number of general deficits in reporting by states, including a failure to meet reporting deadlines, the use of vague language, and limited information on national implementation.
- Reporting on the implementation of UN DPRK sanctions may benefit from exploring synergies with reporting requirements for conventional arms control instruments, in particular the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) and the Arms Trade Treaty (ATT).



Given the importance that states place on reporting, its realities and contributions to the international instruments concerned are worthy of analysis.”

Introduction

Multilateral instruments across many fields of international concern frequently require periodic reporting from states.¹ This is also the case in the realm of arms control and disarmament instruments.² The purpose of this reporting is to provide indicators of how well or how poorly the instrument is being implemented over time. Such reporting can also suggest areas for improving and strengthening the instrument, and where states may require assistance in integrating the instrument into national practice. Reporting is also understood to be important for strengthening transparency and building trust among states. From a broader perspective, one observer argues that reporting has the following purpose: ‘[I]ncreasing the volume and quality of the information that states share with each other and the public on issues relating to armaments and disarmament is beneficial to international peace and security. It reduces the possibility for misunderstandings between states and allows for greater public and parliamentary oversight of the policies that states pursue’ (Bromley and C  bar, 2020, preface).

Given the importance that states place on reporting, its realities and contributions to the international instruments concerned are worthy of analysis. In recent years, a number of studies have been conducted on the reporting obligations and practices of states in relation to a range of conventional arms control instruments—a key domain for the work of the Small Arms Survey.³

Reporting is also a feature of many UN Security Council (UNSC)-imposed sanctions resolutions.⁴ The sanctions impose certain obligations on UN member states to implement and enforce them, as well as to report on progress in implementation. In general terms, UN member states are required to cooperate with the UNSC architecture on sanctions, including sanctions committees and their dedicated PoEs; to take appropriate follow-up measures to implement sanctions provisions, including the adoption of any national laws, procedures, regulations, or policies that enable implementation; and to report on the compliance measures taken. In other words, UN member states have the primary responsibility for implementing UN sanctions, including arms embargoes, in compliance with relevant UNSCRs.⁵

In the present study, *reporting* is understood to serve not only as an important foundation for the implementation of international commitments by states, through multilateral instruments or the imposition of UNSC sanctions, but also as a contributor to the broader objective of enhancing peace and security. There is, of course, no simple causal relationship between *reporting* as part of international obligations and the resultant effectiveness of the related mechanism. Nevertheless, the Report seeks to demonstrate that, by taking a closer look at the actual behaviour of states in relation to reporting requirements, important insights can be gained into the factors that affect the willingness or capacity of states to not only comply with the reporting obligation itself but also align themselves with the larger purpose of the instrument or sanctions regime. The Report aims to strengthen understanding of the relevance of arms embargo

Box 1 The UN Security Council sanctions regime on DPRK at a glance

The UN sanctions regime on the DPRK has expanded several times to become a complex set of measures aimed at reducing or eliminating the threat posed to international peace and security by the country's nuclear test of October 2006 and its announced withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (UNSC, 2006, p. 1). The principal UNSCRs relating to the DPRK sanctions regime are the following:⁶

- UNSCR 1718, adopted in October 2006, condemned North Korea's first nuclear test and imposed sanctions, including on the supply of heavy weaponry, missile technology and material, and select luxury goods (UNSC, 2006).
- UNSCR 1874, adopted in June 2009, strengthened sanctions after North Korea's second nuclear explosion, banning the import of all but small arms and light weapons (but calling for vigilance with regard to those) and the export of all weapons (UNSC, 2009a).
- UNSCR 2087, adopted in January 2013, condemned North Korea's 2012 satellite launch and proliferation activities (UNSC, 2013a).
- UNSCR 2094, adopted in March 2013, enacted harsher sanctions in response to North Korea's third nuclear test a month before and imposed a ban on imports of arms-related materials and services, such as financial transactions, technical training, and brokering (UNSC, 2013b).
- UNSCR 2270, adopted in March 2016, tightened sanctions in addition to condemning North Korea's fourth nuclear test and its 2015 test of a submarine-launched missile. This resolution also expanded the arms embargo on North Korea to include small arms and light weapons (UNSC, 2016a).
- UNSCR 2321, adopted in November 2016, banned exports of minerals, helicopters, and other items in response to North Korea's fifth nuclear test (UNSC, 2016b).
- UNSCR 2356, adopted in June 2017, condemned nuclear weapons and ballistic missile development activities by North Korea (UNSC, 2017b).
- UNSCR 2371, adopted in August 2017, completely banned certain exports that were previously restricted—such as coal, iron, and seafood—after North Korea's two inter-continental ballistic missile tests in July (UNSC, 2017c).
- UNSCR 2375, adopted in September 2017, strengthened the measures regarding the supply, sale or transfer to North Korea of all refined petroleum products, including diesel and kerosene, following the country's sixth and largest nuclear test (UNSC, 2017d).
- UNSCR 2397, adopted in December 2017, imposed new restrictions on oil imports as well as metal, agricultural, and labour exports (UNSC, 2017e).

As described above, UNSCRs 1718, 1874, 2094, and 2270 relate directly to the arms embargo aspect of the DPRK sanctions regime. In addition, individual UN member states such as Australia, Japan, South Korea, and the United States, as well as joint action by the members of the European Union (EU), have sanctioned North Korea beyond the measures imposed by the UNSC (Council on Foreign Relations, 2022).

reporting to arms control and disarmament instruments and how reporting to these instruments can contribute to the visibility of arms embargo implementation.

This study on reporting is undertaken primarily through the illustrative lens of the UN sanctions regime on the DPRK.⁷ The DPRK sanctions regime—made up principally of an increasingly stringent series of UNSCRs (see Box 1), beginning in 2006 with UNSCR 1718—requires, *inter alia*, all UN member states to report periodically on the steps they have taken to implement the resolutions’ provisions in the form of national implementation reports (NIRs). These reports are therefore an important source of information for assessing how member states interpret and apply UNSCRs. As such, the NIRs that states have submitted over time represent the basic unit of analysis of this study.

Objective of the study

The study begins with a general overview of the reporting record of UN member states on the UNSCRs that make up the DPRK sanctions regime—from the first sanctions resolution (UNSCR 1718) in 2006 to October 2022. It unpacks data from NIRs to reveal a global picture of reporting practices. The Report explores how these practices differ when the data is broken down by geographic region, and when other political and economic dimensions are taken into account.

The study does not attempt to present an in-depth analysis of the actual content or quality of the NIRs. It does, however, present a number of observations on factors, or ‘deficits’, that may affect the underperformance of many member states with respect to reporting obligations on DPRK sanctions. The next section of the Report widens the perspective to consider the DPRK reporting experience in the context of reporting on other key arms control instruments, in particular the PoA and the ATT. It also examines how current discussions about synergies between reporting mechanisms for conventional weapons instruments may also apply to the reporting concerns outlined in this Report. The final section provides a range of policy observations based on the findings of the study.

Methodology

A total of eight UNSCRs related to the UNSC sanctions regime on the DPRK contain obligations for UN member states to report on the steps they have taken to implement these resolutions effectively.⁸ To quantitatively analyse the reporting practices of all UN member states, the research team assessed all 670 NIRs submitted to the Security Council Committee—established pursuant to Resolution 1718 (hereafter ‘the 1718 Committee’)—between 2006 and 2022 on these eight separate UNSCRs.⁹ The total

number of reports was calculated based on the submission dates available on the website dedicated to UNSC sanctions regimes (1718 Sanctions Committee, n.d.). The total number of NIRs includes addenda and corrections submitted as separate reports. Similarly, in cases where member states submit a single NIR reporting on multiple UNSCRs, this is counted as one individual NIR. To allow for an analysis from different angles, additional details on states—such as information on income level, state fragility, and proximity to the DPRK, as well as from reporting to other conventional weapons processes—were added to the data set.

This Report seeks to provide not only an overview of the global status of reporting on implementation but also regional perspectives for Africa, the Americas, Asia, Europe, and Oceania. It uses the classification of states defined by the UN Statistics Division, with 54 states in Africa, 35 in the Americas, 46 in Asia, 43 in Europe, and 14 in Oceania.¹⁰

One of the Report's limitations in analysing the reporting record of states under the UN sanctions regime on the DPRK is that it generally does not examine the actual content of NIRs and is entirely based on publicly available information. It does, however, draw on an earlier unpublished study on the same topic, which had a more restricted regional focus (Lipott and Atwood, 2020). ●



Only 130 out of 192 UN member states (excluding the DPRK) have submitted at least one NIR between 2006 and 2022.”

Overview of reporting practices by UN member states on UNSC DPRK resolutions

A number of the UNSCRs that make up the DPRK sanctions regime require all UN member states to report to the UNSC, within a specified period, on concrete measures they have adopted to effectively implement relevant provisions and on steps taken in response to violations or attempted violations of the sanctions. This is often carried out through the submission of an NIR (see Box 2).¹¹

Despite these requirements, the reporting record of member states since UNSCR 1718 (UNSC, 2006) is very mixed. Only 130 out of 192 UN member states (excluding the DPRK) have submitted at least one NIR between 2006 and 2022. This means that nearly one-third of all UN member states have never submitted an NIR to the UNSC and are therefore not meeting their legal obligations.

In total, 670 NIRs had been submitted to the UNSC 1718 Committee by October 2022. The large majority, about 68 per cent, of these reports were submitted after 2016—

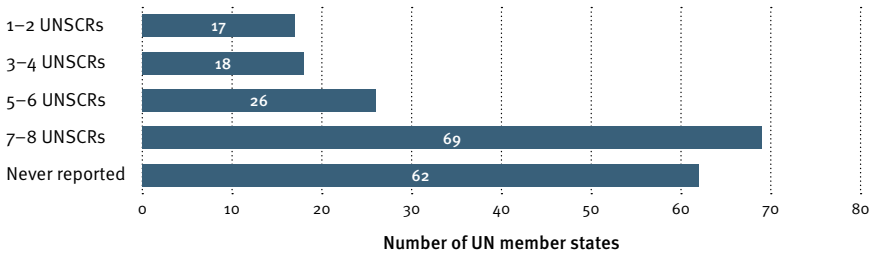
Box 2 The mechanics of reporting under the UN sanctions regime on the DPRK

The UNSC's authority to adopt sanctions is derived from Article 41 of the UN Charter.¹² By virtue of their membership to the UN, member states are obligated to implement and enforce sanctions decisions by the UNSC. The reporting requirement under mandatory UNSC sanctions regimes is not unique to the regime on the DPRK. A number of sanction-related UNSCRs dating all the way back to 1966 have required member states to submit NIRs.¹³ Yet some past and current sanctions regimes do not require reporting on implementation. In the case of the DPRK, eight UNSCRs related to the sanctions regime require all UN member states to report to the UNSC, within a specified period, on concrete measures they have adopted to effectively implement relevant provisions and on steps taken in response to violations or attempted violations of the sanctions.¹⁴

Unlike under other conventional arms-related reporting mechanisms, such as the UN PoA or the ATT, states are not required to report according to a regular periodic timeline. They are, however, obliged to submit their reports within a certain timeframe after the adoption of a specific resolution. Deadlines for the submission of NIRs are set by the relevant resolution and listed on the dedicated UNSC sanctions website (1718 Sanctions Committee, n.d.). They can vary from 30 to 90 days after the adoption of the resolution. Another characteristic feature that distinguishes reporting under the DPRK sanctions regime from reporting under the PoA or ATT is the use of compendium reports, which allow states to report on multiple UNSCRs in the same NIR.

UN member states submit their NIRs to the 1718 Committee via a note verbale or a letter; the reports are then made public on the dedicated UNSC sanctions website. The committee reports back on the number (but not the character or quality) of NIRs submitted in its reports to the UNSC. The PoE also provides regular updates in its reports on the NIRs submitted.¹⁵

Figure 1 Number of UNSCRs reported on by UN member states, absolute numbers, 2006–22



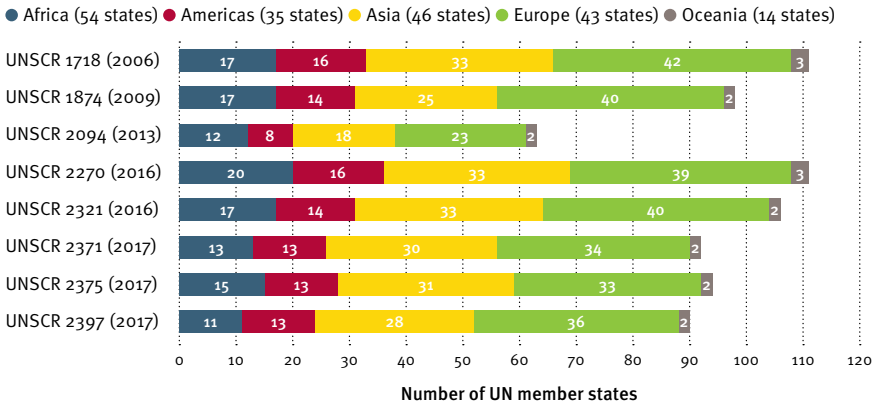
Source: 1718 Sanctions Committee (n.d.)

the year that the arms embargo regime on the DPRK was strengthened through UNSCR 2270. Although in quantitative terms this would seem to indicate that national reporting has progressed in recent years, many member states report on more than one UNSCR in their reports: of the 670 NIRs submitted before October 2022, 154 of them reported on more than one resolution (see Box 2). This complicates efforts to study reporting because, unless a state distinguishes which part of its report relates to which resolution, gaining a granular understanding of what states have actually done in relation to the different UNSCRs on the DPRK is difficult. On a global level, 10 states have reported on seven or eight UNSCRs in one or two NIRs, while 12 have reported on between four and six UNSCRs in one or two NIRs. On the other hand, four states have submitted more than one NIR (between 7 and 8) to report on fewer UNSCRs (between 4 and 6). States also sometimes choose to submit more than one NIR for the same resolution. Taking into account these observations, Figure 1 shows the frequency of reporting on a global level, based on the number of UNSCRs reported on and ignoring the number of NIRs submitted.

Looking specifically at the four resolutions that relate directly to the arms embargo aspect of the DPRK sanctions regime can contribute to a more refined analysis. As illustrated by Figure 2, a closer look at the data reveals that, among the four arms-related UNSR resolutions, UNSCR 1718 and UNSCR 2270 have been most reported on at a global level. Only 63 states reported on UNSCR 2094.

In its mid-term and final annual reports, the DPRK PoE has regularly commented on the high number of states that have never reported, have failed to report on particular resolutions, or have been late in reporting. While the PoE has called for the quantity and quality of reporting to improve across the board, it has also noted that the content of NIRs varies considerably between regions (UNSC, 2019, para. 85). This lack of detailed information undoubtedly impedes the PoE's ability to effectively report on sanctions implementation and to identify implementation challenges. Overall, this

Figure 2 Number of states per region to have reported at least once on UNSCRs related to the sanctions regime on the DPRK, 2006–22



Source: 1718 Sanctions Committee (n.d.)

situation creates opportunities for the DPRK to continue its activities aimed at evading UN sanctions in general and the arms embargo in particular.

This general overview of reporting by states on DPRK-related sanctions resolutions reveals that reporting is at best patchy. Its potential to serve as a measure of state compliance in relation to the DPRK sanctions regime over time must therefore be deemed limited—although the regime is *not* an exception in this respect.

Alongside this rather dark picture, it is perhaps worth noting that the relatively large number of states that have yet to report on any of the UNSCRs is outweighed by the number of those that *have* reported, and have done so regularly. This degree of compliance can be understood to show not only respect for the mandate of a UNSC resolution but also a broad understanding among a substantial number of UN member states of how complying with the reporting requirement supports transparency and trust-building. ●



This section seeks to show how reporting practices vary according to geographic region, national income, and level of state fragility, and considers other factors that influence DPRK reporting in particular.”

Exploring DPRK reporting data from different perspectives

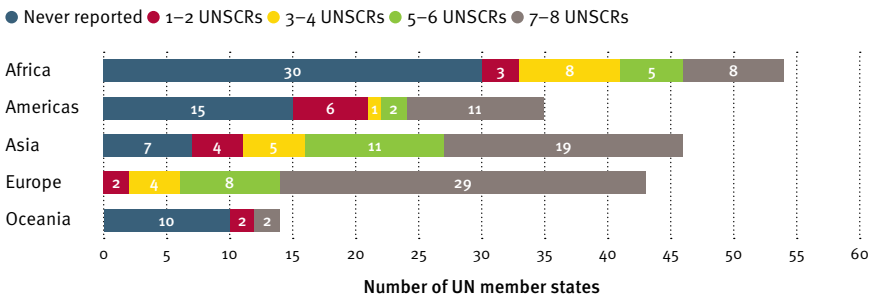
The data presented in the previous section presents a general picture of reporting on the DPRK sanctions regime. Exploring the data from different perspectives can, however, provide further insights into factors that may affect how states report. This section seeks to show how reporting practices vary according to geographic region, national income, and level of state fragility, and considers other factors that influence DPRK reporting in particular.

Regional differences

Breaking down the data by geographic region contributes to the understanding of global reporting practices. As shown in Figure 3, the data indicates that Europe is the region with the strongest overall reporting record in terms of UNSCRs reported on, whereas Africa—the largest region in terms of the number of countries—has the lowest rate of reporting of the five regions in terms of UNSCRs reported on.

The picture can be further developed by looking more closely at each region individually. The summaries below highlight some of the differences within and between regions.

Figure 3 Reporting frequency of UN member states by region, absolute numbers, 2006–22



Source: 1718 Sanctions Committee (n.d.)

Europe

Europe is the only region in which all 43 states have reported to the 1718 Committee at least once. While only accounting for 22 per cent of UN membership, these states have submitted 44 per cent of the total reports to the 1718 Committee. Every European state except for Bosnia and Herzegovina has reported on UNSCR 1718—the foundational resolution of the sanctions regime—while only 23 states have reported on UNSCR 2094. In addition, 29 states (or 67 per cent) have reported on between seven and eight UNSCRs.

Europe's strong reporting record can partially be explained by the reporting practice of the 27 member states of the EU.¹⁶ EU member states have submitted 29 per cent of all reports on the DPRK resolutions and most of them have reported on six or more UNSCRs (the exceptions are Croatia, Luxembourg, and Slovenia, which have reported on between four and five UNSCRs). This reporting practice is partly due to the parallel adoption of EU restrictive measures against North Korea since 2006. These are composed of common positions, regulations, and decisions that implement the UN sanctions, as well as autonomous measures adopted by the European Council, aimed at complementing and reinforcing the UN regime (CoEU, 2022).

In their study on the relationship between UN and regional sanctions regimes, Charron and Portela have drawn particular attention to ways in which targeted sanctions by regional organizations can reinforce UN sanctions regimes. With regard to the EU, they note that EU member states have better resources and expertise than other regional organizations to support the implementation of complex sanctions regimes (Charron and Portela, 2016, p. 117). They note that '[t]he effects of globalization of regional sanctions through the adoption of a UN mandate are significant: it multiplies the efficacy of the measures and, importantly, legitimizes them on a global level' (p. 117). Additionally, UN sanctions are seen by the EU as a minimum threshold upon which to add more far-reaching measures (Carisch and Rickard-Martin, 2016, p. 169)—a practice described by another observer as 'gold-plating' (Ballbach, 2022, p. 10). Other states, such as the Russian Federation and China, consider that UN sanctions reflect the maximum level of international consensus and view sanctions imposed by single nations or regional bodies as a distortion of the national balance in the UNSC (Carisch and Rickard-Martin, 2016, p. 169).

Asia

Asia has the second strongest reporting record. Only seven of the 46 states in the region (excluding the DPRK) have never reported. While accounting for 24 per cent of UN membership, they have submitted 31 per cent of all reports to the committee. A total of 39 states (or 85 per cent) have reported on at least one UNSCR, and 41 per cent of states in this region have reported on between seven and eight UNSCRs. The resolutions most reported on are UNSCRs 1718, 2270, and 2321 (by 33 states), while UNSCR 2094 is the least reported on (by only 18 states)—a similar record to the European region.

Asia's strong reporting record is in contrast to the challenges the countries in the region face in effectively confronting and countering sanctions evasion techniques employed by the regime in Pyongyang. A detailed analysis by RAND Corporation of PoE reports from 2010 to 2021 shows that the prime locus of DPRK sanctions evasion activity is the Asian region. Of the more than 540 entities identified as involved in

such evasion activities, 65 per cent were engaged in 31 countries of the region, with the number of activities in China greatly exceeding those in any other Asian country (Mallory, 2021, p. 6).

The case of China is instructive in trying to assess the importance of reporting. China has reported systematically on the UNSCRs—submitting a total of ten reports, one on each of the UNSCRs.¹⁷ These reports are often detailed in scope and indicate the steps that China has taken. Yet the degree of China’s engagement with DPRK sanctioned activity, as noted previously, should serve as a cautionary tale.

States in the Asian region, particularly certain states in Eastern and South-eastern Asia, are in close geographical proximity to the DPRK. Research has shown that states neighbouring those under an arms embargo, despite their vital role in ensuring the effectiveness of the measures imposed, often do not report or respond to requests from sanction monitors (Carisch and Rickard-Martin, 2016, p. 163; Fruchart et al., 2007, p. 51). An assessment of the reporting practices of states closest to the DPRK indicates, however, that this generalization does not hold true in the case of the DPRK sanctions regime, as discussed below.

Americas

The Americas ranks third, behind Europe and Asia, in terms of its reporting record. The 35 states of this region have submitted 13 per cent of all reports to the committee, while accounting for 18 per cent of UN membership. Of these states, 15 have never submitted a report, with the Caribbean standing out as the subregion with the highest number of non-reporting states. At the other end of the spectrum is a group of seven states that have reported on all resolutions: Brazil, Colombia, the Dominican Republic, El Salvador, Guatemala, Mexico, and the United States. Canada, Mexico, and the United States are outliers to the general pattern in this region as states with a very strong reporting record across the whole spectrum of UNSCRs. States in this region have reported most on UNSCR 1718 and 2270, with 16 states having submitted a report on these resolutions. In the Americas, as in Europe and Asia, UNSCR 2094 is the least reported on resolution.

Oceania

Oceania also has a rather poor reporting record. Of the 14 states in this region, only four have reported on any of the resolutions. While the states in this region make up 7 per cent of UN membership, they have only submitted 3 per cent of all reports. Of the four reporting states, only Australia and New Zealand have reported on all UNSCRs. Vanuatu and the Marshall Islands have both submitted a single NIR—on UNSCR 2270 and 1718, respectively.

This low reporting rate or lack of reporting can be partially explained by the fact that all states in Oceania, except for Australia and New Zealand, are small island developing states (SIDS), and face particular economic, social, and environmental vulnerabilities (UN-OHRLLS, n.d.). Low reporting by these SIDS may also be explained by their historically very limited relationships with the DPRK and hence a reduced sense of the relevance of the DPRK sanctions regime to them.

Africa

Africa has the weakest reporting record, as well as the highest number of states that have never reported. Of the 54 states in this region, 30 (or 56 per cent) have never submitted a report. While the states in the region account for 28 per cent of UN membership, they have only submitted 8 per cent of all reports. Those that have submitted reports have reported mostly on UNSCR 2270. This could be because UNSCR 2270 deals with small arms and light weapons proliferation—an issue of considerable importance to many African states, the African Union, and subregional economic community organizations. Unlike in other regions, this region reports least on UNSCR 2397, with only 11 states submitting an NIR.

A closer look at Africa by subregion presents a somewhat heterogeneous picture in quantitative terms. Less than a third of countries in Western and Central Africa have reported under the DPRK sanctions regime. In Eastern Africa, half the countries have reported (nine out of 18) at least once, as have three of the five states in Southern Africa. Nevertheless, the record for sub-Saharan African states is generally poor, with only Equatorial Guinea, South Africa, and Uganda having submitted four or more reports. Northern Africa has a significantly stronger reporting record than the rest of the region. Only one state in Northern Africa, Libya, has never submitted a report. Egypt, Morocco, Sudan, and Tunisia have reported on six or more UNSCRs, while Algeria has reported on only three.

A number of factors may contribute to the generally poor reporting record in the region, including a lack of capacity and limited understanding of the sanctions and their relevance (Mallory, 2021, p. 8). Moreover, there is a significant history of DPRK engagement with different African countries. An analysis of PoE reports between 2010 and 2021 indicated that 150 DPRK-related entities have been active in 38 of the continent's 54 countries (70 per cent) (Mallory, 2021, p. 6). Relations between African countries and the DPRK date back to the time of African liberation movements in the period from the 1960s to the 1980s. Many African countries became dependent on the availability and affordability of North Korean weapons. The DPRK has been able to exploit these relations as part of its sanction evasion strategies, the principal aim of which is to earn hard currency for its weapons programmes (Van der Hoog, 2022, pp. 2, 4–5).¹⁸ In addition to these factors, the many (related) challenges facing African governments—

including civil unrest and rebellion, weak economies, famine, and corruption—no doubt also put fulfilling DPRK sanctions reports fairly low on the lists of national priorities for many African states.

Other geopolitical dynamics affecting reporting practices

A number of other geopolitical dynamics also appear to affect sanction reporting by states. Although all UN member states are obligated to implement and enforce UN sanctions, the actions of certain states can have a stronger impact on the overall effectiveness of sanctions regimes in general and arms embargoes in particular. An extensive study on the impact of embargoes on arms flows lists one of its main findings as follows: ‘The effectiveness of UN arms embargoes depends primarily on the capacity and will of UN member states, particularly the UNSC P5 states, arms-supplying states, transit and transshipment states, and states neighbouring embargoed targets’ (Fruchart et al., 2007, p. 51). The following section provides a brief overview of how these dynamics may affect states’ reporting practices under the DPRK UNSCRs.

Reporting practices of states close to the DPRK

A more detailed look at the data reveals that the DPRK’s seven closest neighbouring countries (based on distance alone) have performed significantly well with regard to their reporting obligations.¹⁹ These seven UN member states have submitted between nine and 15 NIRs, thereby reporting on all eight UNSCRs of the DPRK sanctions regime. The situation changes considerably, however, when extending the scope to include the DPRK’s 20 closest neighbours. Of the 13 additional states, only two have reported on seven or more UNSCRs, and the average number of UNSCRs reported on overall drops to four—with three states having never reported at all.

Reporting practices by maritime states

The DPRK depends on the seas for most of its licit and illicit import and export of goods (Byrne, Byrne, and Somerville, 2020; Mallory, 2021, p. 31). Implementing and enforcing the many dimensions of DPRK sanctions that focus on the maritime sector is therefore critical. A fuller picture of reporting practices could thus be drawn by extending the analysis to include countries with regional and international maritime hubs.

To do so, this study examines the world’s biggest ports (measured in twenty-foot equivalent units, TEU) to identify global and regional transit and trans-shipment states. In 2020, a total of 42 UN member states were home to the 98 biggest maritime hubs

in the world.²⁰ A closer look at the reporting practices of these states reveals that, on average, they reported on more UNSCRs than other countries in their region. African countries with ports that rank among the biggest in the world have reported on 5.7 UNSCRs on average (compared to the regional average of 2.3). Their equivalents in the Americas have reported on 6.5 UNSCRs on average (compared to 3.1 for the whole region). In 2020, the Asian region accounted for two-thirds of the world's biggest ports, and China itself for more than half in the region. Asian countries with among the world's biggest ports have reported on 6.4 UNSCRs on average (compared to 5 for the region as a whole). A notable outlier is Bangladesh, which possessed one of the 100 biggest ports in 2020 but has so far not reported on any UNSCRs related to the DPRK sanctions regime. European countries with big maritime hubs reported on average on 7.9 UNSCRs (compared to the regional average of 6.7). Australia was the only country in the Oceania region with a port big enough to rank among the top 100 ports in 2020. As mentioned above, the country has reported on all relevant UNSCRs. In terms of quantity, around two-thirds of global maritime trade activities in 2020 were handled by ports in nine countries, predominantly from the Asian region.²¹ All but one of these states have reported on all eight UNSCRs, the exception being the United Arab Emirates, which has reported on five.

Reporting practices of permanent members of the UNSC

Two of the DPRK's closest neighbouring countries are permanent members of the UNSC. While all five permanent members of the UNSC (P5) have regularly reported on the DPRK UNSCRs, having submitted NIRs on all eight resolutions, there is a marked divergence in reporting practices. The strong reporting record of some P5 members stands in stark contrast to the continued allegations that other P5 members do not support, and in some cases actively undermine, the DPRK sanctions regime (Arnold, 2022).²² The RAND Corporation study mentioned earlier identified the Asian continent as 'the prime locus of North Korea's sanctions evasion' in its analysis of PoE reports from 2010 to 2021 (Mallory, 2021, p. 6). During this period, the PoE identified 540 entities in 31 out of 48 Asian countries (65 per cent) where such undertakings took place. The number of activities in China, however, far exceeded those in other Asian countries (Mallory, 2021, p. 6). As Arnold highlights, the 2021 PoE report 'is littered with examples of sanctions-evasion activities that exploit jurisdictions with weak financial monitoring and oversight—but most of these continue to be concentrated in China and Russia' (2022). When comparing these two countries' minimal approach to UN sanctions with the EU's practice of 'gold-plating', it is possible to conclude that this negatively influences their implementation efforts, despite their extensive reporting practice (Carisch and Rickard-Martin, 2016, p. 169). China and the Russian Federation have also repeatedly signalled their unwillingness to support additional sanctions against the DPRK in the UNSC.²³

This section has presented an overview of the data on reporting practices based on geographic region and geopolitical factors. This information is of little explanatory value, however, except to highlight broad differences among and within regions. The following section seeks to provide a more in-depth analysis in order to gain a greater understanding of factors that influence the reporting behaviour of states.

Income and fragility as measures of state capacity

The reporting practices of states, in relation to their obligations to implement UN sanctions, are also influenced by a variety of other factors. Holtom and Bromley have noted, for example, that security and political factors, such as ‘involvement in interstate armed conflict, high-level tensions with neighbouring states or regional rivals, or severe domestic political crises’, influence state reporting levels to UN instruments on arms transfers and transfer controls (2011, p. 20). As mentioned in the brief analysis on Oceania above, the degree to which the instrument is considered relevant to the security concerns of the state may be an additional factor (Bromley and Cóbar, 2020, p. 30). According to Bromley and Cóbar, state reporting behaviours can also be influenced by limits on the capacity of states’ administrative bodies, changes in states’ security or political situations, and concerns about the security implications of making information about arms exports or imports public (2020, p. 30).

The degree to which national capacity affects national implementation of sanctions is the subject of considerable academic research (Carisch and Rickard-Martin, 2016, p. 151; Holtom and Bromley, 2011, p. vi). Elements of state capacity—such as the availability of human and material resources, a designated contact point, and inter-agency cooperation—can also significantly impact a state’s ability to submit reports (Holtom and Bromley, 2011, p. 20). Previous research has shown that a lack of capacity to gather information and present it has contributed to the general decline in reporting on conventional arms control instruments (Holtom and Yeger, 2018, p. 30; Stimson Center, 2022, p. 16). Crucially in this debate, Carisch and Rickard-Martin have noted that ‘because of the interrelationship between capacity and political will, it is often difficult to determine whether deficiencies in implementation or noncompliance are attributable to the lack of capacity or to an absence of political will’ (2016, p. 151).

While it is possible to assume that the above factors all affect, to varying degrees, how and what states report in relation to the DPRK sanctions regime, the present study is limited in the extent to which it seeks to explain more precisely how these variables affect individual state behaviour. Two orientations—national income and state fragility—are nevertheless used as rough measures of state capacity to explore levels of state reporting on the implementation of UNSCRs on the DPRK.

National income

To enable a better understanding of whether ‘capacity’ (as measured by income) is a factor in levels of reporting, the study broke down national reporting by national income per capita using the following commonly used categories: ‘high-income’, ‘upper-middle-income’, ‘lower-middle-income’, and ‘low-income’ countries.²⁴ Breaking the reporting data (number of NIRs and UNSCRs reported on) down into these ‘income’ categories reveals a direct relationship between income level and reporting: in general, the higher the income category of the country, the greater the number and frequency of national reports submitted.

The 59 states in the high-income group account for 31 per cent of UN membership and have submitted 55 per cent of all reports (369 NIRs). All but seven high-income states have submitted reports. The ones that have not are all SIDS (Antigua and Barbuda, the Bahamas, Barbados, Nauru, Saint Kitts and Nevis, Seychelles, and Trinidad and Tobago), indicating that their specific vulnerabilities impact their ability to report (see also the regional analysis of Oceania above). On average, including non-reporters, this group of states has reported on six UNSCRs and three out of four arms-related UNSCRs.

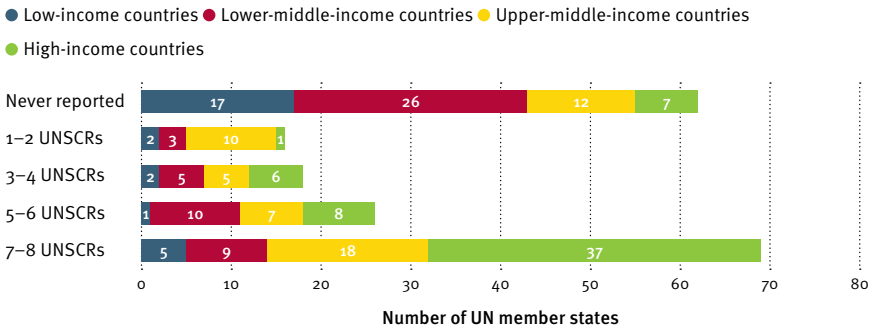
The 52 states of the upper-middle-income group account for 27 per cent of UN membership and have submitted 26 per cent of all reports (171 NIRs). Of the countries in this income group, 12 (or 23 per cent) have never reported. This pattern is also reflected in the average number of UNSCRs reported on, which stands at 4.1 out of eight. Similarly, the average number of arms-related UNSCRs reported on is 2.1 (including non-reporters).

The lower-middle-income group consists of 53 states, or 28 per cent of UN membership. Together, they have submitted 112 NIRs, or around 17 per cent of all reports. Of the countries in this income group, 26 (or 49 per cent) have never reported. The high number of non-reporting states is also apparent in the average number of 2.7 UNSCRs reported on, as further illustrated in Figure 4.

The 27 countries in the low-income group have submitted 17 reports. These countries account for 14 per cent of UN membership but have only submitted 3 per cent of the total reports. Of the countries in this income group, 17 (or 63 per cent) have never submitted a report, 7 have only submitted a single NIR, and 3 have submitted between two and five reports. No low-income country has submitted more than five NIRs; Uganda is the only one to have submitted up to five. Despite the low number of reports, low-income countries that report often include multiple UNSCRs in their NIRs. Of the ten reporting low-income countries, nine reported on multiple UNSCRs. The exception is Burundi, which reported on one UNSCR in a single NIR. The average number of UNSCRs reported on stands at 2.1.

The differences in reporting levels between high-, upper-middle-, lower-middle-, and low-income countries follow a somewhat predictable pattern based on the presumption

Figure 4 Reporting frequency of UN member states by income level group, absolute numbers, 2006–22



Sources: 1718 Sanctions Committee (n.d.); World Bank (n.d.)

that the higher the level of state income, the higher the capacity will be for reporting. This pattern is not consistently true, however. While lower-middle- and low-income states have a higher level of non-reporters and a lower number of total NIRs than upper-middle- and high-income states, those that do submit reports make up for this somewhat by reporting on multiple UNSCRs at the same time. Low-income countries that do report (10 out of 27) have a better reporting practice than upper-middle- and lower-middle-income countries by reporting on more UNSCRs on average.²⁵

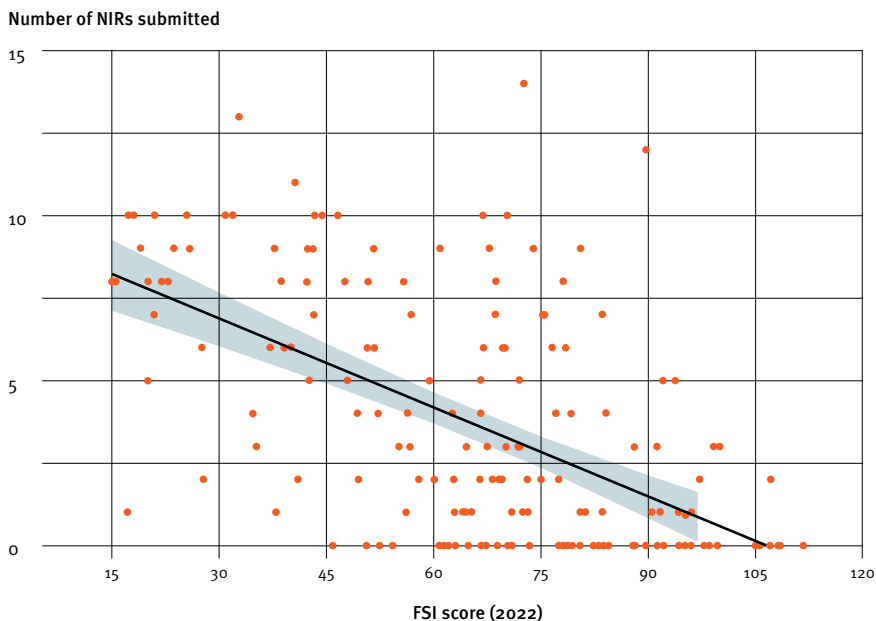
State fragility

The concept of ‘state fragility’ can provide a second measure of states’ reporting capacity. The Fragile States Index (FSI), developed by the Fund for Peace, is based on a conflict assessment framework created to assess the vulnerability of states to collapse. The index uses a set of cohesion, economic, social, and political indicators as measures of state vulnerability at particular points in time.²⁶ The 2022 FSI is used here as a basis for examining the relationship between state fragility and the reporting record of states (Fund for Peace, 2022).

In this context, one would expect that the more ‘fragile’ the state, the more limited its capacity for reporting. This assumption is largely borne out by the analysis presented here. In general, there appears to be a clear relationship between a state’s fragility score and reporting on the DPRK sanctions. As illustrated in Figure 5, states with lower FSI scores (that is, less fragile states) are more likely to report than states with higher FSI scores (that is, more fragile states).

Of the 50 least fragile states, 48 (or 96 per cent) have submitted at least one NIR. On average, these 48 reporting states submitted seven or eight NIRs on between six

Figure 5 Total number of NIRs submitted by country (2006–22), by the FSI score of UN member states (2022), absolute numbers and linear correlation



Sources: 1718 Sanctions Committee (n.d.); Fund for Peace (2022)

and seven UNSCRs. The only two states in this group to have not reported at all are SIDS. By comparison, of the 49 most fragile states, 22 (or 45 per cent) have submitted at least one NIR.²⁷ On average, these 22 reporting states submitted three NIRs on five different UNSCRs, including two or three arms-related UNSCRs.

There are, however, a few notable outliers when considering the correlation between a state’s ranking in the 2022 FSI and its reporting practice. While Sudan (ranked 7th most vulnerable on the FSI) and Eritrea (ranked 18th) have reported on eight UNSCRs—including on all arms-related measures—they both rank among the most fragile states, and have been subject to arms embargoes themselves.²⁸ Mozambique (ranked 21st), Pakistan (ranked 30th), Togo (ranked 42nd), and the Philippines (ranked 50th) have also reported on eight UNSCRs. On the other hand, Iceland (ranked 177th) has only reported on two UNSCRs and Uruguay (ranked 157th) has only reported on three. Similarly, Barbados and the Bahamas rank among the 50 least fragile states (and are both high-income countries), yet neither has submitted an NIR on the DPRK sanctions regime.

The data also shows a positive relationship between a state’s ranking in the FSI and its income level. While the 25 least fragile states in the 2022 FSI are all high-income

countries, 17 of the 25 most fragile states are low-income countries. The eight other most fragile states are lower-middle- (Cameroon, Haiti, Myanmar, Nigeria, the Republic of Congo, and Zimbabwe) and upper-middle-income countries (Iraq and Libya). Of these 25 most fragile states, nine have submitted NIRs while the rest have not. Six of the reporting states are low-income countries (Burundi, Eritrea, Ethiopia, Mozambique, Sudan, and Uganda), two are lower-middle-income countries (Myanmar and Nigeria), and one is an upper-middle-income country (Iraq).

A broad comparison between national income level and a state's FSI ranking suggests that the improvement or decline in reporting by some states is more related to social, political, cohesion, and economic factors than to national income. A state's ranking will also vary over time depending on how this mix of factors plays out in a particular period. For example, Venezuela submitted its only report in 2016, when it was placed 63rd on the FSI. Between 2016 and 2022, its ranking dropped to 26th—a drop that can be partially explained by the worsening economic recession in that country (Blyth, 2018, pp. 15–16). Notably, Iraq has submitted all its reports from 2016 onwards and seen its FSI ranking jump from 11th in 2016 to 23rd most vulnerable state in 2022.

This general analysis of national income and state fragility as indicators of state capacity supports the previous finding that state capacity—and state fragility in particular—significantly affects the reporting practices of states. ●



The DPRK PoE has regularly called for improvements in the quantity, quality, and timeliness of national reports from states, including in relation to the specific demands of the different UNSCRs.”

Observations on deficits in national reporting

As noted earlier in this study, the DPRK PoE has regularly called for improvements in the quantity, quality, and timeliness of national reports from states, including in relation to the specific demands of the different UNSCRs. It has repeatedly underlined the need for member states to include details of the steps they have taken to address the specific elements laid out in the UNSCRs. For example, in its 2019 mid-term report, the PoE made the following request:

The Panel notes that the quantity and quality of member state reporting needs to improve across the board. [. . .] Furthermore, considering the uneven quality of the only 37 midterm reports received, the Panel underlines the importance of member states including all the relevant detailed information in their submissions (UNSC, 2019, para. 85).

The 1718 Committee has taken steps to assist states in their efforts to make their national reporting more comprehensive (see endnote 11).

The present study focuses primarily on the submission of national reports rather than their content. Nonetheless, a few general observations can be made concerning perceived deficits in national reporting.

Use of unspecific or vague language

Counting only the number of times a country has reported or the number of UNSCRs reported on provides little specific information about implementation efforts. The language of NIRs is often of a more general nature, and lacking in detail. Phrases such as ‘country X’ has ‘taken all measures required in the relevant Security Council resolutions to ensure their implementation’, or ‘asked the different departments to ensure the implementation of the different provisions of these resolutions in their respective areas of jurisdiction’, or ‘ensures the dissemination to the various competent national authorities’ are common in many NIRs. Although this information indicates a state’s acknowledgement of resolution requirements, it is of limited use in terms of understanding the steps taken by the country to implement the resolutions.

In relation to the UNSCRs relevant to the arms embargo, reports often express in general terms a state’s intent to implement the provisions of these resolutions, but specific details are frequently scarce or non-existent; however, since UNSCR 2270 extended the sanctions regime to ‘small arms and light weapons and their related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel’, an increasing number of states have provided more detailed information in this area (UNSC, 2016a, para. 6).

Limited detail on specific steps taken for the domestication of UNSCR provisions

In its template for assisting states in reporting on national implementation, the 1718 Committee asks states not only to report on whether they have adopted concrete measures, procedures, legislation, regulations, or policies in relation to the specific requirements of the UNSCRs, but also to indicate ‘in detail’ the measures they have taken (1718 Sanctions Committee, 2018b). The incorporation of UNSCR arms embargoes into national legislation is a particularly important measure at the national level as it indicates whether UNSCR measures are directly and independently enforceable in the country.

Despite the guidance provided by the committee template, however, NIRs present a very mixed picture in terms of national legislation. Many states include national legislative measures in their NIRs but do not explain how this legislation supports the implementation of the relevant UNSCR. Some countries do not include legislation or legislative measures, but instead report on international disarmament treaties that have been acceded to or ratified. Some report on specific measures taken in accordance with resolutions without reporting on specific legislation. Others report that they have national acts that ensure full compliance with sanctions implementation and enforcement in the country but do not refer to specific UNSCRs.

It is worth noting that countries that have only recently reported for the first time may have put sanctions implementation mechanisms in place previously. For example, Namibia—in its first and only NIR, submitted in 2017 and covering six UNSCRs—notes that it adopted the Prevention and Combating of Terrorism and Proliferation Activities Act in 2014, which enables full sanctions implementation and enforcement in the country (Namibia, 2014; UNSC, 2017a).

It is also important to highlight that the absence of any reporting by a particular country does not necessarily mean it has taken no steps to recognize and act on its responsibilities under the DPRK sanctions regime. Zambia, for example, has an Anti-terrorism and Non-proliferation Act (adopted in 2018), that can be seen to cover some of the measures requested via the reporting template (Zambia, 2018), even though the country has yet to submit an NIR.

Many non-reporting states may not report simply because they do not see how the sanctions regimes requirements are relevant to their own national situation. The focus on nuclear proliferation as the driver of the DPRK sanctions may seem of very little importance to states preoccupied with other priorities. A state with limited or non-existent relations with the DPRK may also decide that reporting, or reporting in detail as requested by the PoE, is of little relevance. A number of NIRs explicitly state that they have no bilateral contacts with North Korea; as a consequence, little information is provided in response to the questions contained in the UNSC checklist template.

Limited information on domestic implementation mechanisms

Even if national legislation or other legal acts exist to support the implementation of UNSCR provisions, national mechanisms with established lines of responsibility, oversight, capacity for national and international coordination, and communication are still essential to implementation efforts. Many countries provide very sparse if any information on these mechanisms.

Earlier unpublished research produced examples of the reporting of some states—some of which indicate types of model responses (Lipott and Atwood, 2020). According to their NIRs, a number of states have set up dedicated bodies to oversee UNSCR implementation. While this might suggest a robust approach to sanctions implementation, further investigation is required to determine the true impact of these bodies, since details in the reports themselves are sparse. Similarly, a number of countries report having taken steps to disseminate UNSCRs to relevant government ministries and agencies, as well as to regional state governments and private institutions. While these efforts seldom go beyond information sharing, in some cases internal directives have led to the establishment of permanent structures (Lipott and Atwood, 2020, pp. 11, 15). ●



A more in-depth analysis of the factors affecting the reporting record of states and the reports' content can be achieved by considering the reporting framework within the broader context of arms-related instruments.”

Value of DPRK reporting: widening the lens

This study has provided a general overview of the various dimensions of reporting on UN member state implementation of the UNSC sanctions imposed on North Korea. A more in-depth analysis of the factors affecting the reporting record of states and the reports' content can be achieved by considering the reporting framework within the broader context of arms-related instruments, including those with reporting requirements.

The link between UN arms embargoes and other conventional weapons processes is not apparent at first sight; however, a closer look at two such processes—the PoA and the ATT—reveals important connections, with implications for both national reporting obligations and national implementation measures.

Relationship between reporting on the UN DPRK arms embargo and the PoA

Although the PoA is not legally binding, as a universally agreed instrument, it commits UN member states to implement measures at the national level to prevent, combat, and eradicate the illicit trade in small arms and light weapons. States have since reiterated their commitment 'to take appropriate measures, *including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo* in accordance with the Charter of the United Nations' (UNGA, 2001, Section II, para. 15; emphasis added). In its first thematic resolution on small arms, adopted in 2013, the UNSC reminded member states of their obligation 'to fully and effectively comply with Council-mandated arms embargoes and to take appropriate measures', including 'by making available to relevant sanctions committees all pertinent information on any alleged violations of arms embargoes' (UNSC, 2013c, para. 2).

The connection between compliance with UNSC arms embargoes and overcoming the illicit trade in small arms and light weapons is also reiterated in the UN Secretary-General's report on *The Illicit Trade in Small Arms and Light Weapons in all its Aspects and Assistance to States for Curbing the Illicit Traffic in Small Arms and Light Weapons and Collecting Them* (UNGA, 2020). Among several references to embargo compliance, the following recommendation seems particularly relevant:

Recalling the obligations States made in the Programme of Action to fully comply with arms embargoes decided by the Security Council in accordance with the Charter of the United Nations, the Council could address a broad range of preventive and control measures addressing the diversion of small arms and light weapons, such as legislation, institutional architecture, border control, export and import control systems, physical security and stockpile management, marking and tracing, technology development and effective

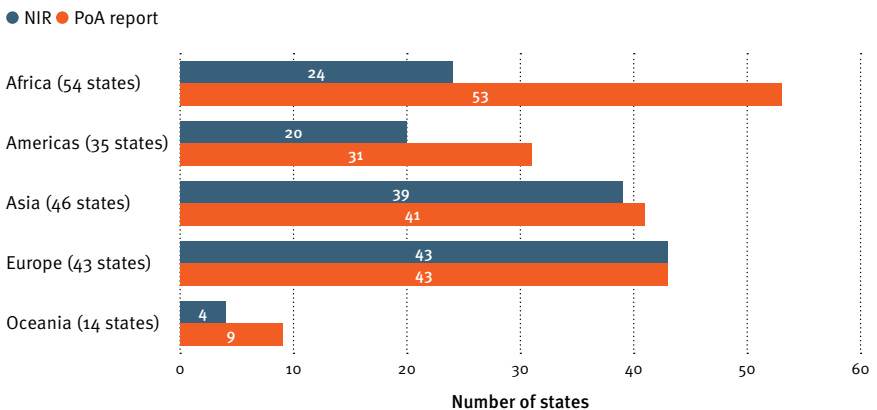
criminal justice responses. In addition, arms control-related benchmarks to assess arms embargoes would be useful (para. 102).

Similarly, in his 2021 report to the UNSC on small arms and light weapons, the UN Secretary-General explicitly encourages the Security Council to ‘continue to seek reports from member states on the steps that they have taken to implement the relevant measures, including arms embargoes, as well as *to cooperate and share information with the panels*’ (UNSC, 2021a, para. 55; emphasis added). This not only draws a clear link between the commitments undertaken under the PoA and compliance with related mandatory UNSC arms embargo resolutions, but also reiterates states’ commitment to report on their implementation of the PoA provisions.

Comparing reporting data on the PoA with that of the DPRK arms embargoes is challenging. For the former, states are encouraged to commit to biannual and standardized reporting to enhance information exchange and transparency, which is recognized as a key element in improving the overall effectiveness of the programme. Reporting on the DPRK arms embargo, however, often follows a different logic. Although states are formally obligated to report within a certain time period after the adoption of the resolution, the reality is that states often choose to report at a later stage, and often submit single reports on multiple UNSCRs, as noted earlier.

Figure 6 shows the percentage of reporting states (that is, those having submitted at least one report) per region under the PoA and the DPRK sanctions regime. The resulting pattern reveals considerable differences in the regions of Africa, the Americas, and Oceania, which appear to report more fully on the PoA than the DPRK UNSCRs. A closer examination, however, reveals a more nuanced picture. Of the 54 states in Africa, 18

Figure 6 Number of states submitting at least one NIR or PoA report per region, absolute numbers



Sources: UNODA (2022); 1718 Sanctions Committee (n.d.)

have only submitted between one and three reports to the PoA since its adoption in 2002. In the Americas, 19 out of 35 states reported more than five times. In the Oceania region, seven out of the 14 states only submitted between one and three PoA reports.

Relationship between reporting on the UN DPRK arms embargo and the ATT

There is also a clear link to UN arms embargoes in the ATT provision prohibiting any transfer of conventional arms and related items ‘if the transfer would violate its obligations under measures adopted by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, in particular arms embargoes’ (UNGA, 2013, art. 6.1). Bringing UN arms embargoes and Chapter VII measures within the purview of the ATT also subjects states parties to the broader regulatory framework of the treaty, including the requirement 1) to designate competent national authorities, and 2) to have an effective and transparent national control system to regulate the transfer of conventional arms and related items (art. 5.5). These are also the main requirements of an effective sanction implementation mechanism at the national level. Moreover, UN arms embargo implementation can be strengthened by ATT states parties that are required to report on steps taken to implement the treaty; to take measures to regulate brokering, transit, and trans-shipment; to facilitate international cooperation; and to take measures to enforce the treaty (UNGA, 2013).

There seems to be no clear relationship between the number of NIRs submitted to the 1718 Committee and the ratification of the ATT. Of the states that submitted more than nine NIRs on the DPRK sanctions regime, 81 per cent of them are also a state party to the ATT (13 out of 16 states). Of the states that have never reported on the DPRK sanctions, 55 per cent are a state party to the ATT (34 out of 62 states). States parties to the ATT only report slightly more thoroughly on the DPRK sanctions regime (6.2 UNSCRs on average) than the entirety of reporting UN member states (5.9 UNSCRs on average). Yet 32 out of the 46 top reporters on the DPRK sanctions (those that reported on all 8 UNSCRs) are ATT member states.

Similarities in reporting patterns

Because both the PoA and the ATT clearly entail obligations to comply with UNSC arms embargoes, these instruments serve as reference points for examining national compliance with the UNSC arms embargo on the DPRK—at least with regard to conventional weapons. Comparing reporting requirements and records between the DPRK arms embargo and the PoA and between the DPRK arms embargo and the ATT does

not reveal significant parallels. Nevertheless, analysis undertaken for this study indicates a degree of correlation between DPRK reporting in relation to PoA reporting and between DPRK reporting and ATT reporting, particularly at the higher and lower ends of the scale: in general, the higher the number of NIRs submitted, the higher the number of PoA reports; the lower the number of NIRs submitted, the lower the number of PoA reports. The same is true for the relationship between the DPRK sanctions regime and the ATT. While these are not strong relationships, they do imply that steps taken under one could support steps taken under the others—and that reporting obligations could be mutually reinforcing.²⁹

Recognizing patterns of weakness in instrument reporting

Although the reporting record on DPRK UNSCRs is disappointing in terms of fulfilling the objectives of these resolutions, these perceived weaknesses extend beyond the DPRK sanctions. Recognizing and finding ways to act upon these commonalities can serve to strengthen other instruments, including arms embargoes.

Factors contributing to weak reporting, whether related specifically to UN sanctions or to arms control instruments more generally, have been noted earlier in this Report. DPRK sanctions reports, however, provide limited information on how these factors affect the quantity and substantive nature of NIRs. The PoE has pointed out that reasons for non-reporting or late reporting ‘may include a lack of resources, a lack of experience, a lack of awareness, insufficient understanding, different national priorities, and time-consuming inter-agency procedures’ (UNSC, 2010, para. 36). In addition, states face an increasing number of expected reports across many issues, each making heavy demands on national systems. ‘Reporting fatigue’ is therefore also a likely factor in the limited responsiveness of many states in relation to DPRK sanctions reporting.

Several studies in recent years have noted the limited or declining nature of reporting in relation to arms control instruments. For example, the authors of the 2020 Stockholm International Peace Research Institute (SIPRI) study of eight conventional arms transfers and transfer control reporting instruments³⁰ point out that—despite the worthy goals and objectives of these instruments, such as increasing the transparency of the global arms trade, identifying and averting destabilizing arms build-ups, and promoting the adoption of improved arms control systems—the level of participation in many of them has fallen (Bromley and Cóbar, 2020, p. 1). The authors also note that states are failing to report not only to the individual instruments every year, but also ‘to all of the instruments in which they are invited or required to participate, even when the information involved is essentially the same’ (p. 34). The study considers both the realities of weak or declining reporting and the many reasons behind this trend, as well as the steps that can be taken to overcome these factors.

A 2022 study by the Stimson Center's ATT-Baseline Assessment Project, entitled *Taking Stock of ATT Reporting Trends and Challenges*, notes the many critical benefits of reporting as part of the implementation of the treaty and observes that, '[u]nfortunately, ATT reporting is not living up to its full potential [. . .]. Both initial and annual reporting have suffered from increasing challenges to transparency and reporting practices that limit the practical and analytical utility of the reports themselves' (Stimson Center, 2022, p. 3). The study goes on, however, to unpack the range of factors associated with this decline and to propose a variety of approaches aiming to alter this situation and regain the commitment of states parties to regular and thorough reporting.

Improving reporting participation through the development of synergies

While the DPRK sanctions regime is in many ways unique, DPRK reporting may benefit from the recognition that developing synergies between and among these instruments has the potential to strengthen reporting behaviour in relation to conventional weapons instruments. A few examples support this observation.

The UN Institute for Disarmament Research's *Reporting on Conventional Arms Trade: Synthesis Handbook* (2018) examined features of four conventional arms-related instruments—the ATT, the Firearms Protocol (UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition), the UN PoA, and the UN Register of Conventional Arms (UNROCA)—in relation to reporting. Noting that '[r]eporting can be an indicator of effective implementation' (p. 1), the handbook seeks to identify reporting synergies across these instruments 'to alleviate some of these challenges, identify good practice to better facilitate complimentary [*sic*] reporting efforts, and help States streamline their internal processes and national practices' (p. 2). It goes on to provide practical suggestions for developing efficient reporting systems at the national level that support the completion of different reporting templates and are applicable to all four instruments. The handbook concludes by stating that 'when States have been given time to develop national procedures (focal point, national coordination mechanisms, establishment of deadlines for different agencies), they have seen significant progress in fulfilling their reporting requirements by specified deadlines' (p. 23).

In the aforementioned SIPRI study, the authors extend this cross-instrument analysis to explore opportunities for reporting synergies (Bromley and Cobar, 2020). They examine reporting guidelines for the different instruments and existing tools that aim to assist states in compiling national reports on arms transfers in relation to the different instruments. They also elaborate on potential avenues for capacity-building assistance for states.

A webinar organized by Control Arms on 7 April 2022, ‘Examining “Synergies” in the Context of the Arms Trade Treaty’, looked at the potential benefits of realizing synergies across arms trade instruments, as well as the challenges of leveraging these (Control Arms, 2022).³¹ Representatives from the Stimson Center, the Government of the Netherlands, the Economic Community of West African States (ECOWAS), SIPRI, and Control Arms addressed different dimensions of the topic, exemplifying the importance of multi-actor approaches—including governments, regional organizations, research organizations, and civil society bodies—in advancing the realization of these synergies. The representative of the Stimson Center stressed in their presentation that ‘the idea is to find where there is common ground and allow states to use their resources and capacities more effectively [. . .] creating opportunities for the same information, the same processes, the same systems to satisfy the various instruments and their requirements’ (Control Arms, 2022).

The above examples of synergy-based approaches are not focused on the reporting requirements of the DPRK arms embargo or other arms embargoes. There are, however, clear overlaps between the types of information sought by the PoE from states and reporting requirements related to the conventional arms instruments touched on above. This suggests the potential—and as yet untapped—value of leveraging synergies to improve both the regularity and the substance of DPRK arms embargo reporting by UN member states. ●



To improve the content of national reports and ensure they include the requested information, revised guidance could encourage states to provide details of existing internal consultation and oversight processes that support the national implementation of UNSCR obligations.”

Policy observations based on the data

Based on this analysis, the following observations appear relevant with regard to their possible application to policy on DPRK sanctions regime reporting by states. Based on the analysis undertaken in this study, a number of observations of possible relevance to policy on DPRK sanctions regime reporting by states can be made. These have possible additional applicability to other UNSC arms embargo reporting requirements as well as within the broader context of arms control instrument reporting more generally.

Strengthening reporting guidance to states

The 1718 Committee has made considerable efforts to provide states with guidance on preparing NIRs in order to increase the quantity and quality of such reports (see endnote 11). Any future revisions of this material, particularly the ‘Implementation Assistance Notice No. 2: Guidelines on the Preparation and Submission of National Implementation Reports’ (1718 Sanctions Committee, 2018b), could incorporate several suggestions to further enhance the effectiveness of such guidance. For example, alternative formats and elements from templates used for other arms control instruments could be considered, particularly where there is overlap in terms of the responses requested. More specific guidelines on the processes for preparing reports might also be beneficial.³²

Considerations on the timeliness and frequency of state reporting

As this study notes, certain states have never submitted a report, while others have only reported on some of the UNSCRs. The PoE itself has regularly highlighted the need for states to be more comprehensive in their reporting on the broad range of areas covered by the UNSCRs. The data in fact reveals that, once a state has submitted an NIR on particular UNSCRs, there is little follow-up in subsequent years. The UN Secretariat could consider revising the current policy by developing a template encouraging specific UNSCR reporting across the range of resolutions on an annual or biennial basis. It would be important to find ways to encourage more regular reporting by states, while ensuring that the perceived burden of reporting does not increase. Periodic reminders could be sent—perhaps by email—to national focal points. A mechanism for states could also be established to enable them to easily access and update their previous reports.

Enhancing the content of state reporting

To improve the content of national reports and ensure they include the requested information, revised guidance could encourage states to provide details of existing

internal consultation and oversight processes that support the national implementation of UNSCR obligations. For example, are informal or formal mechanisms in place to ensure an inter-ministerial approach to policy and implementation? When reporting on more than one UNSCR in a single NIR, states could be encouraged to specify the UNSCR(s) referred to in each part of the report. Even where states choose to submit reports covering more than one UNSCR, they could be encouraged to disaggregate the reporting data by UNSCR in order to improve comparability of data. States could also be encouraged to indicate in their reports details of their engagement with the DPRK PoE, as well as with other UN member states to facilitate implementation of UNSCRs, and how and when they have responded to specific requests from the PoE.

Developing synergies

There are several possible directions for applying the types of synergies observed across conventional arms mechanisms, as noted in this Report, to DPRK sanctions reporting. States could be encouraged to specify in their NIRs which international, regional, and subregional arms control instruments of relevance to arms embargo compliance they are states parties to; this would motivate states to both undertake cross-instrument comparisons and discover reporting synergies, and promote international cooperation and assistance. States could also be encouraged to make use of their reporting for the PoA, the ATT (where applicable), and other international instruments—such as the UNSCR 1540 on the non-proliferation of weapons of mass destruction of 2004 (UNSC, 2004a) and UNROCA (n.d.)—in their reports. Guidance would be needed for states on how to implement this approach and recognize its limitations. This could also work in the other direction: once states have reported on particular arms-related UNSCRs, they could incorporate this information, as appropriate, into their regular reporting on other instruments, particularly the PoA and the ATT. More specifically, the ATT's Working Group on Transparency and Reporting could encourage states to include in their initial reports information on how they are addressing their Article 6.1 obligations, specifically in relation to UNSCR arms embargo reporting.

Additional ideas for assisting states

This Report has noted the range of assistance materials available to states for fulfilling their DPRK sanctions regime reporting obligations, as well as suggestions for strengthening these. A number of other measures might further enhance assistance. For example, states could be encouraged to make use of the Small Arms Survey's Arms Embargo Self-Assessment Tool—which aims to assist countries in examining their national practices and identifying gaps in relation to arms embargo implementation (Small Arms

Survey, forthcoming)—and to request assistance in setting up inter-agency workshops for this purpose. The UN Secretariat, the 1718 Committee, and the PoE could develop a roster of organizations with the capacity to assist states in preparing national reports.³³ Organizations offering assistance and training to states on the implementation of the PoA and the ATT—such as the UN Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), the ATT Voluntary Trust Fund, and the EU—could include a component on DPRK or other arms embargo reporting requirements in the package of activities on offer, thereby strengthening awareness of the importance of arms embargoes to the implementation of those instruments.

Filling the gaps

An analysis of NIRs alone tells us nothing about states that have not reported at all, and little about those that have not reported recently or that have provided limited information over time in their national reports. As noted in the case of Zambia, however, a closer analysis can reveal that the state has in fact taken steps at the national level that make their compliance record more positive and informative than the overall NIR record would suggest. There may well be other similar situations, but additional research, well beyond the scope of this study, would be required. Additionally, a state's level of cooperation with the PoE and responses to specific requests for information from the PoE or 1718 Committee—an element not considered in this study—also supports the implementation and enforcement of the sanctions, even if they face challenges in submitting NIRs. The 1718 Committee could promote a better understanding of the factors behind the absence or limited nature of national reports. ●

“Underpinning the study is the foundational assumption that reporting increases transparency and helps to build trust among states.”

Conclusions

This Report has examined the contribution of state reporting to the health of the DPRK sanctions regime through an analysis of the NIRs submitted by UN member states over time on the series of DPRK UNSCRs. Underpinning the study is the foundational assumption that reporting increases transparency and helps to build trust among states; improving the record of state reporting therefore contributes to broader peace and security goals.

The general analysis of reporting data confirms the patchiness of national reporting observed in reports of the UN PoE, with a significant number of member states still having failed to provide any national reports. The study found that the totals and frequency of national reports vary considerably across regions, with Europe presenting the strongest reporting record and Africa the weakest. Broad differences within regions can be discerned, however. The Report also analyses the data from other perspectives—such as the influence of geopolitical factors and the maritime status of states—to enable a more complete picture of national and regional reporting practices.

In addition, the Report considered the degree to which national capacity affects national implementation of sanctions—which sanctions scholars and others have recognized as an important factor in shaping reporting responses for conventional weapons instruments. While this study did not attempt to undertake a comprehensive analysis of this capacity issue, it was able to identify, by examining differences in national income and in state fragility as indicators of state capacity, capacity-related patterns in DPRK sanctions regime reporting. State fragility in particular—as measured by the FSI and indicative of macro social, political, cohesion, and economic dynamics—may impact states’ reporting patterns more than national income.

The research undertaken for this study did not allow for an in-depth analysis of the actual content of national reports. Nevertheless, the study identified and highlighted a number of overall deficits of national reporting, including the use of unspecific or vague language and limited information on implementation measures and the incorporation of UNSCR provisions into national legislation. The study also observed that many states perceive that the DPRK sanctions regime was irrelevant to their national situation.

One of the key goals of this study was to highlight linkages between reporting in relation to the arms embargo dimensions of the DPRK sanctions regime and existing conventional arms control instruments, in particular the UN PoA and the ATT. The study therefore focused less on embedding the analysis in the general literature on sanctions and more on illuminating complementary findings in the recent literature. While it is difficult to draw direct parallels, the study has demonstrated the logic of considering these reporting experiences together and also the importance of noting synergies across the instruments that can contribute to stronger overall reporting.

Despite its limited scope, the study was able to make a range of policy recommendations for strengthening national reporting practices. These suggestions include

enhancing the types of guidance available to states in the preparation of their national reports and obtaining additional information to improve overall understanding of the steps states have taken to ensure sanctions compliance.

When encouraging state reporting, the UN Secretariat could consider ways to mutually reinforce the DPRK sanctions regime and conventional weapons instrument reporting, among other measures. National inter-ministerial workshops aimed at supporting states are also well placed to assist them, not only in undertaking the self-assessment of sanctions implementation processes but also in preparing NIRs.

This study points to a number of areas where further research could enhance understanding and articulate possible policy approaches to improving the quality of reporting. Such research—involving an analysis of the actual content of the reports, informed by key informant interviews and the use of systematic questionnaires—could help ascertain the following:

- the factors inhibiting greater levels of reporting by states;
- the particular challenges, including capacity constraints, that states face in preparing national reports;
- the types of assistance necessary to improve the frequency and quality of national reports;
- whether and how states interact successfully with the PoE and ways to enhance this relationship;
- the reasons for the increase in the number of national reports following the additional UNSCRs of 2016 and 2017, with specific reference to UNSCR 2270 in expanding the arms embargo and non-proliferation measures to include, inter alia, small arms and light weapons; and
- ways to develop and implement possible synergies between arms embargo reporting and reporting on other conventional arms mechanisms.

Reporting is, of course, just one dimension of the steps required to fully implement the DPRK sanctions regime obligations. It is, nevertheless, a key component and serves as both a measure of the health of the regime at a given point in time and a spur to enhance states' commitment to the process. The study highlights the supportive role that reporting can play in realizing the broader goals of the DPRK sanctions regime and possible directions for future research and practices. ●

Endnotes

- 1 See, for example, OHCHR (2017, p. 26).
- 2 Casey-Maslen and Vestner (2019, pp. 171–80) show ‘reporting’ as a part of a range of measures aimed at promoting compliance with international treaties. They underline that the reporting dimension is a part of many international instruments, including the Chemical Weapons Convention, the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions, the ATT, the UN Register of Conventional Weapons, and the PoA.
- 3 These include Holtom and Yeger (2018), Bromley and Cobar (2020), and Stimson Center (2022).
- 4 The earliest example can be found in UNSC Resolution 232 imposing arms embargoes on the former South Rhodesia (Zimbabwe) (UNSC, 1966, para. 8).
- 5 A number of UN sanctions and arms embargoes actors or bodies are responsible for the adoption, implementation, and enforcement of sanctions, including the UNSC, dedicated sanctions committees, the PoEs, as well as the UN Security Council Subsidiary Organs Branch, as a branch of the UN Security Council Affairs Division of the UN Secretariat. For more detailed information, see, for example, the *Best Practices Guide for Chairs and Members of United Nations Sanctions Committees* (CCSI, 2020) and also Brewer and Nephew (2017, pp. 6–7).
- 6 This list is adapted from an overview created by the Council on Foreign Relations (2022). For more detailed information on the evolution of the UN sanctions regime on North Korea, see, for example, the interactive overview provided by the Carnegie Endowment for International Peace (Schoff and Lin, n.d.).
- 7 This Report uses DPRK and North Korea interchangeably.
- 8 Reporting obligations stem from the following UNSCRs: 1718 (UNSC, 2006, para. 11); 1874 (2009a, para. 22); 2094 (2013b, para. 25); 2270 (2016a, para. 40); 2321 (2016b, para. 36); 2371 (2017c, para. 18); 2375 (2017d, para. 19); and 2397 (2017e, para. 17).
- 9 The NIRs and additional information on their submission per member state can be accessed through the website of the 1718 Committee (DPRK) of the UNSC (1718 Sanctions Committee, n.d.). All reports submitted by October 2022 were examined.
- 10 See UNSD (n.d.). For the purposes of this study, the regional category of ‘Asia’ does not include the DPRK itself.
- 11 The PoE has repeatedly underlined the need for member states to include in their NIRs details of the steps they have taken regarding the specific elements laid out in the UNSCRs. In order to assist member states in their efforts to make their national reporting more comprehensive,

- the 1718 Committee published the ‘Implementation Assistance Notice No. 2: Guidelines on the Preparation and Submission of National Implementation Reports’ in 2018 (1718 Sanctions Committee, 2018b). This notice updates the original version issued in 2011 and incorporates the latest obligations under sanctions resolutions adopted in the interim period. It includes a checklist template that states are encouraged (but not obliged) to use when providing detailed information on the concrete steps they have taken to implement the various measures. In 2018, the committee also issued a factsheet compiling certain measures imposed by the Security Council with respect to the DPRK in Resolutions 1718 (UNSC, 2006), 1874 (UNSC, 2009a), 2087 (UNSC, 2013a), 2094 (UNSC, 2013b), 2270 (UNSC, 2016a), 2321 (UNSC, 2016b), 2356 (UNSC, 2017b), 2371 (UNSC, 2017c), 2375 (UNSC, 2017d), and 2397 (UNSC, 2017e), updating a previous version issued in 2013 (1718 Sanctions Committee, 2018a).
- 12 Although Article 41 does not refer explicitly to sanctions, it does give the Security Council what has been referred to as a ‘preventative’ power, to be applied in cases where it appears conducive to international peace and security (Frowein and Krisch, 2002, p. 739).
 - 13 These include, for example, the UN arms embargo on Southern Rhodesia (Zimbabwe) in UNSC Resolution 232 (UNSC, 1966, para. 8); the UN arms embargo on Haiti in Resolution 841 (UNSC, 1993, para. 13); the UN arms embargo on the Taliban in Resolution 1390 (UNSC, 2002, para. 6); and the (lifted) UN arms embargo on Rwanda in Resolution 918 (UNSC, 1994, para. 14a).
 - 14 Reporting obligations stem from the following UNSCRs: 1718 (UNSC, 2006, para. 11); 1874 (UNSC, 2009a, para. 22); 2094 (UNSC, 2013b, para. 25); 2270 (UNSC, 2016a, para. 40); 2321 (UNSC, 2016b, para. 36); 2371 (UNSC, 2017c, para. 18); 2375 (UNSC, 2017d, para. 19); and 2397 (UNSC, 2017e, para. 17).
 - 15 See, for instance, UNSC (2021b, para. 19; 2022, para. 176).
 - 16 The EU member state Cyprus is a member of the Western Asia region, as per the UN Statistical Division classification (UNSD, n.d.).
 - 17 China reported on paragraphs 8 and 17 of UNSCR 2397 separately.
 - 18 Two recent studies by Mallory (2021) and Van der Hoog (2022) provide many insights into DPRK–Africa country relations and the implications for conflict dynamics across the continent.
 - 19 These countries are China, Japan, Mongolia, the Philippines, South Korea, the Russian Federation, and Vietnam.
 - 20 Lloyd’s List measures the size of shipping ports in TEU, an exact unit of measurement used to determine cargo capacity for container ships and terminals. Taiwan possessed two of the 100 biggest ports in 2020 but is not included in the above analysis (Lloyd’s List, 2020).
 - 21 These countries are China, Japan, Malaysia, the Netherlands, Singapore, the Republic of Korea, the United Arab Emirates, the United States, and Vietnam.
 - 22 At the time of writing, there are reports alleging that, despite being a P5 state in the UNSC, the Russian Federation is now purchasing artillery shells and rockets from North Korea in support of the conflict in Ukraine (Barnes, 2022).
 - 23 See, for example, Nichols (2019; 2022) and also the statement by Deputy Permanent Representative Anna Evstigneeva of Russia at the UNSC briefing on the situation in the DPRK on 25 March 2022 (Russian Federation, 2022).
 - 24 In their study *Reporting on Conventional Arms Transfers and Transfer Controls: Improving Coordination and Increasing Engagement*, Bromley and Cobar (2020) have utilized the regions and income group breakdown of states to examine reporting on a range of international

instruments. This Report uses the World Bank's classification of countries by income (World Bank, n.d.).

- 25 Low-income countries that have submitted reports have done so in relation to 5.6 UNSCRs on average, compared to 5.4 for lower-middle-income and 5.3 for upper-middle-income countries.
- 26 In its 2022 edition, the FSI only contained 177 UN member states (excluding the DPRK). Countries are attributed an overall score between 0 (least 'fragile') and 120 (most 'fragile') (Fund for Peace, 2022).
- 27 This does not include the DPRK or Palestine, which would normally fall into this category within the FSI but are excluded from the present study. Two countries are ranked equally 50th on the 2022 FSI, hence the decision to compare 49 states.
- 28 The UN arms embargo on Eritrea was established in 2009 (UNSC, 2009b) and lifted in November 2018. Earlier that year, Eritrea had submitted its first and only NIR on the DPRK sanctions regime covering all eight UNSCRs (1718 Sanctions Committee, n.d.). The UN arms embargo on Sudan (Darfur region) entered into force in 2004 and was still in place as of October 2022 (UNSC, 2004b).
- 29 This would especially appear to be the case with the ATT process, where its Working Group on Effective Treaty Implementation has, *inter alia*, focused on steps for strengthening the implementation of the obligations under Article 6.1 of the treaty. See, for example, ATT Secretariat (2018, annexe A).
- 30 The instruments examined are as follows: on arms transfers, the UN Register of Conventional Arms (UNROCA), the ATT annual report, and the Organization for Security and Co-operation in Europe (OSCE) Information Exchange on Conventional Arms Transfers; and on transfer controls, the UN PoA national report on implementation, the UN Legislation Exchange, the ATT initial report, the OSCE questionnaire on arms export controls, and the OSCE Document on Small Arms and Light Weapons.
- 31 The content of this webinar has not been published, but it is available in full online (see Control Arms, 2022).
- 32 See, for example, the first part of the section 'Reporting processes and practices', in Stimson Center (2022, pp. 6–15). See also the work being undertaken by the ATT's Working Group on Transparency and Reporting (ATT Secretariat, 2022).
- 33 For example, the Small Arms Survey organized an inter-ministerial workshop with the Zambian government in early 2020, with the purpose of raising awareness of DPRK-related sanctions and national obligations, including implementation reporting. The central goal of the workshop was to assist Zambia in the preparation of its first ever NIR. See Small Arms Survey (n.d.).

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The Small Arms Survey is a global centre of excellence whose mandate is to generate impartial, evidence-based, and policy-relevant knowledge on all aspects of small arms and armed violence. It is the principal international source of expertise, information, and analysis on small arms and armed violence issues, and acts as a resource for governments, policy-makers, researchers, and civil society. It is located in Geneva, Switzerland, and is an associated programme of the Graduate Institute of International and Development Studies.

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