

미국, 대량살상무기 확산과 연루된 북한기업 등에 대해 제재조치 발표

1. 발표 내용

- 부시 대통령은 29일 대량살상무기 확산과 연루된 북한, 이란, 시리아의 기관·기업과의 거래를 포괄적으로 금지하는 행정명령(Executive Order)을 발표
 - Executive Order : 『Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters』(참고 2 참조)
- 이 조치는 대량살상무기 확산을 방지하기 위해, 대량살상무기 확산과 연루된 모든 기업의 자금줄을 철저히 봉쇄, 차단하는 것이 목적
 - * 이번 조치는 대상 기업 뿐만 아니라, 그 기업과 거래를 하거나 거래를 시도한 미국 내 외 모든 기업에 적용된다는 점에서 과거에 비해 강력한 제재

2. 제재 대상 및 내용

- 제재 대상
 - ① 대량살상무기 확산과 관련되어 행정명령 부속서에 명시된 기관 및 기업
 - * 행정명령 부속서에 명시된 북한기업 : 조선광업무역회사, 단천상업은행, 조선련봉총회사(참고 1. 제재대상 기업명단 참조)
 - ② 대량살상무기 확산과 연루되었다고 미국 정부가 판정한 외국인(자연인, 법인)
 - ③ 상기 ①, ②와 거래가 있거나 거래를 시도한 자(국내외 불문)

○ 제재 대상자에 대한 제재 내용

① 미국내 자산 또는 미국인이 관리하는 자산에 대해 동결조치

② 미국인 혹은 미국 기업과의 거래 금지

* 미국 재무부 대변인은 “제재대상 기업과 연루된 기업의 명단과 혐의는 추후 공개 예정”이라고 발표(6.30 연합뉴스)

3. 조치 효과

○ 동 조치는 과거에 비해 강력한 내용을 담고 있으나,

- 북한의 경우 이미 미국의 포괄적인 경제제재 대상이 되고 있어 단기적으로 큰 영향은 없을 것으로 추정

- 현재까지 거명된 북한 기업은 남북경협에 참여하지 않고 있는 것으로 파악

○ 중장기적으로는 북한 등과 거래하는 기업을 위축시켜 남북교역 등에 부정적인 영향을 미칠 것으로 예상

- 북한과 거래관계가 많고 거래내용이 불투명한 중국, 러시아 등의 기업은 대북거래가 상당히 위축될 것으로 전망

* ‘러시아의 소리방송’은 러시아 및 중국 회사 등의 손실가능성에 대해 우려를 표시하고 유엔의 제재만이 합법적이라고 주장(6.30)

○ 향후 국내기업들이 북한의 남북경협기업 이외의 기업과 거래시 사전에 주의할 필요

- 북한의 대남경협기업 : 민족경제협력위원회 산하의 삼천리, 개선, 광명성, 새별 등

참고 : 1. 제재대상 기업명단

2. Executive Order 원문

〈참고 1〉

제재대상 기업명단

국 가	기관 및 기업명
북 한	<ul style="list-style-type: none"> ○ 조선광업무역회사 Korea Mining Development Trading Corporation ○ 단천상업은행 Tanchon Commercial Bank ○ 조선련봉총회사 Korea Ryonbong General Corporation
이 란	<ul style="list-style-type: none"> ○ Aerospace Industries Organization ○ Shahid Hemmat Industrial Group ○ Shahid Bakeri Industrial Group ○ Atomic Energy Organization of Iran
시 리 아	<ul style="list-style-type: none"> ○ Scientific Studies and Research Center

- 조선광업무역회사
 - 주 소 : 평양시 보통강구역
 - 거래품목 : 아연, 동공, 전동기, 펌프 등
- 단천상업은행
 - 주 소 : 평양시 통천구역
 - 거래품목 : 금융
- 조선련봉총회사
 - 주 소 : 평양시 보통강구역
 - 거래품목 : Cadmium Sulphide

〈참고 2〉

Executive Order: Blocking Property of Weapons of Mass
Destruction Proliferators and Their Supporters

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3, United States Code,

I, George W. Bush, President of the United States of America, in order to take additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them, and the measures imposed by that order, as expanded by Executive Order 13094 of July 28, 1998, hereby order:

Section 1.

(a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

- (i) the persons listed in the Annex to this order;
- (ii) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery(including missiles capable of delivering such

weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern;

(iii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in paragraph (a)(ii) of this section, or any person whose property and interests in property are blocked pursuant to this order; and

(iv) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

(b) Any transaction or dealing by a United States person or within the United States in property or interests in property blocked pursuant to this order is prohibited, including, but not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of, any person whose property and interests in property are blocked pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

(c) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(d) Any conspiracy formed to violate the prohibitions set forth in this order is prohibited.

Sec. 2.

For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the

United States (including foreign branches), or any person in the United States.

Sec. 3.

I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 12938, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 4.

Section 4(a) of Executive Order 12938, as amended, is further amended to read as follows:

"Sec. 4. Measures Against Foreign Persons.

(a) Determination by Secretary of State; Imposition of Measures. Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), where applicable, if the Secretary of State, in consultation with the Secretary of the Treasury, determines that a foreign person, on or after November 16, 1990, the effective date of Executive Order 12735, the predecessor order to Executive Order 12938, has engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items, by any person or foreign country of proliferation concern, the measures set forth in subsections (b), (c), and (d) of this section shall be imposed on that foreign person to the extent determined by the Secretary of State, in consultation with the implementing agency and other relevant agencies. Nothing in this section is intended to preclude the imposition on that foreign person of other measures or sanctions available under this order or under other authorities."

Sec. 5.

For those persons whose property and interests in property are blocked pursuant to section 1 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 12938, as amended, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

Sec. 6.

The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 7.

The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

Sec. 8.

This order is not intended to, and does not, create any right or benefit, substantive or

procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 9.

- (a) This order is effective at 12:01 a.m. eastern daylight time on June 29, 2005.
- (b) This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH
THE WHITE HOUSE,
June 28, 2005.

ANNEX

- 1. Korea Mining Development Trading Corporation
- 2. Tanchon Commercial Bank
- 3. Korea Ryonbong General Corporation
- 4. Aerospace Industries Organization
- 5. Shahid Hemmat Industrial Group
- 6. Shahid Bakeri Industrial Group
- 7. Atomic Energy Organization of Iran
- 8. Scientific Studies and Research Center