



Date: 5 July 2022

Dear Registrant/Licensee:

Re: International Obligations (Economic and Ancillary Measures) Act, Chapter 16 (IOEAMA): Democratic Republic of Congo

Pursuant to section 3A of the International Obligations (Economic and Ancillary Measures) Act, Chapter 16 (IOEAMA), licensees and registrants of the Securities Commission of The Bahamas (the Commission) are hereby informed that on 30 June 2022, the Security Council extended the sanctions regime imposed on the Democratic Republic of Congo, including the arms embargo, travel ban and asset freeze, for one year.

By the adoption of Resolution 2641 (2022) under Chapter VII of the Charter of the United Nations, the Security Council renewed the measures set out in paragraphs 1 to 6 of Resolution 2293 (2016) related to the arms embargo, travel ban and asset freeze, which requires all States to refrain from, among other things, providing weapons to non-governmental entities operating in the Democratic Republic of the Congo, until 1 July 2023.

Pursuant to Resolution 2641 (2022), the Council concluded that the measures referred to in paragraph 2 of the resolution shall apply to individuals and entities as designated by the Committee for involvement in the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices.

The Council further determined that the notification requirement set out in paragraph 5 of resolution 1807 (2008) shall no longer apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, related technical assistance or training, and shipments of arms and related material for the Democratic Republic of the Congo, except in relation to items set forth in Annex A of the resolution, which remain subject to the applicable notification procedures.

The Security Council's press release regarding the aforementioned and the resolutions adopted and renewed by the Council can be found at the following web addresses:

1. Security Council Press Release: <https://www.un.org/press/en/2022/sc14955.doc.htm>
2. Resolution 2641 (2022):
[https://undocs.org/Home/Mobile?FinalSymbol=s%2Fres%2F2641\(2022\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=s%2Fres%2F2641(2022)&Language=E&DeviceType=Desktop&LangRequested=False)
3. Resolution 2293 (2016):
[https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2293\(2016\)&Language=E&DeviceType=Desktop&LangRequested=False](https://undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2293(2016)&Language=E&DeviceType=Desktop&LangRequested=False)
4. Resolution 1807 (2008):
[https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1807%2520\(2008\)&Language=E&DeviceType=Desktop&LangRequested=False](https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F1807%2520(2008)&Language=E&DeviceType=Desktop&LangRequested=False)

Licenses and registrants are reminded of their obligation to take all appropriate actions to ensure full compliance with s. 3A International Obligations (Economic and Ancillary Measures) Act, Part IV “Implementation of United Nations Security Resolutions” of the Anti-Terrorism Act, and s. 8 of the Anti-Terrorism Regulations in relation to South Sudan.

A copy of this notice can be found on the Commission’s website.

Any inquiries concerning this notice may be directed to the Commission at:

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SECURITY COUNCIL MEETINGS COVERAGE

United Nations

9084TH MEETING (AM)

SC/14955
30 JUNE 2022

Security Council Renews Democratic Republic of Congo Sanctions Regimes, Adopting Resolution 2641 (2022)

Amid a deteriorating security situation in the Democratic Republic of the Congo, the Security Council today renewed the sanctions regime imposed on that country and extended until 1 August 2023 the mandate of the Group of Experts overseeing its implementation.

Adopting resolution 2641 (2022) (to be issued as document S/RES/2641(2022)) by a vote of 10 in favour to none against with 5 abstentions (China, Russian Federation, Ghana, Gabon and Kenya), and acting under Chapter VII of the Charter of the United Nations, the Council decided to renew until 1 July 2023 the measures set out in paragraphs 1 to 6 of resolution 2293 (2016) related to an arms embargo, travel ban and asset freeze. These measures require all States to refrain from, among other things, providing weapons to non-governmental entities operating in the Democratic Republic of the Congo.

By the terms of today's resolution, the Council decided that the measures referred to in paragraph 2 of the resolution shall apply to individuals and entities as designated by the Committee for involvement in the production, manufacture or use in the Democratic Republic of the Congo of improvised explosive devices, or in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the Democratic Republic of the Congo with improvised explosive devices.

The Council also decided that the notification requirement set out in paragraph 5 of resolution 1807 (2008) shall no longer apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, related technical assistance or training, and shipments of arms and related material for the Democratic Republic of the Congo, except in relation to items set forth in Annex A of the resolution, which remain subject to the applicable notification procedures.

It demanded that States ensure that all measures taken by them to implement this resolution comply with their obligations under international law, including international humanitarian law, international human rights law and international refugee law, as applicable. The Council also called for enhanced cooperation among all States, particularly those in the

region, and the Group of experts, and requested the Group of Experts to provide to the Council a midterm report no later than 30 December 2022, and a final report no later than 15 June 2023, as well as submit monthly updates to the Committee.

Following the vote, Council members took the floor to express their views regarding the notification requirement, among other terms of the resolution, with some saying those requirements impeded the capacity of the Democratic Republic of the Congo to limit armed groups, while others pointed to improvements in that regard.

Nicolas de Rivière (France), whose delegation served as the resolution's main drafter, welcomed the adoption of the resolution and stressed that the Council must be able to sanction those responsible for the instability in the east of the country. The sanctions regime will now continue a new criterion for listing in order to fight against the increasing use of improvised explosive devices, he added. Noting the demands of the Democratic Republic of the Congo regarding the notification procedure for the provision of material and military assistance, he said the resolution does significantly lighten that procedure. Voicing regret that the resolution did not receive unanimous support, he expressed hope that the measures remaining in force will be developed in the future, stressing the importance in that regard of national efforts to combat trafficking and the spread of weapons.

Carolyn Abena Anima Oppong-Ntiri (Ghana) said the current notification requirement continues to impede the capacity of the Democratic Republic of the Congo to limit armed groups, as well as improve its ability to safeguard its internal security. It has not been entirely effective in curbing the problem of weapons proliferation within the country. Moreover, the notification requirement described in the resolution does not respond to the imperatives for peace in the Democratic Republic of the Congo, nor does it reflect the country's sovereignty. In solidarity with that country's Government, her delegation decided to abstain in the vote.

Edwige Koumby Missambo (Gabon), also noting her delegation's abstention, said that the current notification obligation continues to curb the capacity of the Democratic Republic of the Congo to promptly, effectively and efficiently counter the armed groups' activities. "Halting operational capacities in the area of security of a State that is led by democratically elected authorities is tantamount to giving license to armed groups whose agenda is to foment terror and chaos among civilians," she stressed. There should be a complete lifting of the notification obligation to allow the Congolese Armed Forces to defend their country. The international community must recalibrate its priorities in the Democratic Republic of the Congo and to focus above all on the interests of the people, while respecting its sovereignty.

Gideon Kinuthia Ndung'u (Kenya) spotlighted the resolution's modest positive step in lifting the notification requirement on supplies of non-lethal military equipment intended solely for human and protective use and related tech assistance and training. However, the resolution falls short in addressing the appeal made by the Democratic Republic of the Congo for full lifting of the notification requirement on arms and the provision of assistance and training related to

military activities. That requirement fails to recognize that the country has managed to register important milestones in strengthening its weapons and ammunition management system to ensure better control and protection of weapons in its possession. Because of that, his delegation abstained.

Anna M. Evstigneeva (Russian Federation), also noting her abstention, said Council sanctions should reflect the situation "on the ground" and facilitate the political process, while accounting for the views of the host country and countries in the region. Restrictions should be regularly reviewed and modified until they are completely lifted. Many Council sanctions regimes currently in effect now fail to reflect the situation on the ground, impede national Government plans in the area of State-building and the formation of effective armed forces and security structures. Many of those sanctions regimes persist merely for the purposes of exerting pressure, she added.

Zhang Jun (China) voiced regret that 18 years after the initial implementation of Council sanctions on the Democratic Republic of the Congo, armed groups in eastern part of the country remain rampant. Noting that Government's repeated request for the lifting of the arms embargo on the country, he pointed to the deteriorating situation in the eastern part, with many civilian casualties and displacement caused by the 23 March Movement (M23) insurgency. Citing various reasons, including the resolution's detrimental effect to the improvement of the Congolese security capacity, he said his delegation abstained in the vote. He expressed hope that the Democratic Republic of the Congo can enhance its management of weapons and ammunitions to gain greater confidence from Council members with respect to waiving the notification requirement in relation to its country.

Ronaldo Costa Filho (Brazil) expressed support for a broader clause on the humanitarian consequences of sanctions, noting that the International Committee of the Red Cross (ICRC) and other humanitarian agencies have reported and argued that instances of overcompliance with measures from banks and financial institutions have made donations to humanitarian agencies and humanitarian assistance itself more difficult in the Democratic Republic of the Congo. He expressed hope that Council members will address that concern in future negotiations and find constructive ways to reach consensus. Addressing concerns about the notification requirement related to military equipment, he noted that compromises from all sides had to be made, given the complexity of the issue, and he expressed hope that the Council will reach common ground on the matter.

Majid Mohammad Abdulrahman Mohammad Almutawa (United Arab Emirates) said his country, like other Member States, is committed to supporting all efforts to achieve peace and stability in the Democratic Republic of the Congo. He expressed hope that the Council will be able to give greater consideration to the concerns expressed by Council members, including African members regarding the notification requirement. Points of view of the region are

essential in the Council's reaction to crises, particularly those that have cross-border influence. His delegation voted in favour of the resolution as it agrees with its objectives, he said.

The meeting began at 10:05 a.m. and ended at 10:24 a.m.

! For information media. Not an official record.



Resolution 2293 (2016)

**Adopted by the Security Council at its 7724th meeting, on
23 June 2016**

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the Democratic Republic of the Congo (DRC),

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the DRC as well as all States in the region and emphasizing the need to respect fully the principles of non-interference, good neighbourliness and regional cooperation,

Stressing the primary responsibility of the Government of the DRC for ensuring security in its territory and protecting its populations with respect for the rule of law, human rights and international humanitarian law,

Taking note of the interim report (S/2015/797) and the final report (S/2016/466) of the Group of Experts on the DRC (“the Group of Experts”) established pursuant to resolution 1533 (2004) and extended pursuant to resolutions 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012), 2136 (2014) and 2198 (2015), *noting* the finding that the linkage between armed groups, criminal networks and illegal exploitation of natural resources contributes to the insecurity in eastern DRC, and *taking note* of their recommendations,

Recalling the strategic importance of the implementation of the Peace, Security and Cooperation (PSC) Framework for the DRC and the region, and *reiterating* its call to all signatories to fulfil promptly, fully and in good faith their respective commitments under this agreement in order to address the root causes of conflict and put an end to recurring cycles of violence,

Recalling the commitments under the PSC Framework by all States of the region not to interfere in the internal affairs of neighbouring countries, and to neither tolerate nor provide assistance or support of any kind to armed groups, and *reiterating* its strong condemnation of any and all internal or external support to armed groups active in the region, including through financial, logistical or military support,

* Reissued for technical reasons on 24 June 2016.



Reiterating its deep concern regarding the security and humanitarian crisis in eastern DRC due to ongoing military activities of foreign and domestic armed groups and the smuggling of Congolese natural resources, in particular gold and ivory, *stressing* the importance of neutralizing all armed groups, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces (ADF), the Lord's Resistance Army (LRA), and all other armed groups in the DRC, in line with resolution 2277 (2016),

Reiterating that the durable neutralization of the FDLR remains essential in bringing stability to and protecting civilians of the DRC and the Great Lakes region, *recalling* that the FDLR is a group under United Nations sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically based and other killings in Rwanda and in the DRC, *noting* the reported military operations undertaken by the Congolese Armed Forces (FARDC) in 2015 and 2016 which have resulted in some destabilization of the FDLR, *expressing concern* that these operations have been carried out simultaneously with Congolese Mai Mai groups, *welcoming* the initial resumption of cooperation of the FARDC with the United Nations Organization Stabilization Mission in the DRC (MONUSCO), and *calling for* the full resumption of cooperation and joint operations, in accordance with MONUSCO's mandate,

Condemning the brutal killings of more than 500 civilians in the Beni area since October 2014, *expressing deep concern* regarding the continued threat posed by armed groups, in particular the ADF, and the persistence of violence in this region, *further expressing concern* at reports of collaboration between elements of the FARDC and armed groups at a local level, in particular recent reports of individual officers of the FARDC playing a role in the insecurity in the region of Beni, *calling for* investigations in order to ensure that those responsible are held to account, *noting* the commitment expressed by the Government of the DRC in its letter of 15 June 2016 (S/2016/542),

Reaffirming the importance of completing the permanent demobilization of the former 23 March Movement (M23) combatants, *stressing* the importance of ensuring that its ex-combatants do not regroup or join other armed groups, and *calling for* the acceleration of the implementation of the Nairobi Declarations and of the Disarmament, Demobilisation, Repatriation, Reintegration and Resettlement (DDRRR) of M23 ex-combatants, including by overcoming obstacles to repatriation, in coordination with the regional States concerned,

Condemning the illicit flow of weapons within and into the DRC, including their recirculation to and between armed groups, in violation of resolutions 1533 (2004), 1807 (2008), 1857 (2008), 1896 (2009), 1952 (2010), 2021 (2011), 2078 (2012), 2136 (2014) and 2198 (2015), and *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the DRC,

Acknowledging in this respect the important contribution the Council-mandated arms embargo makes to countering the illicit transfer of small arms and light weapons in the DRC, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration of ex-combatants and security sector reform,

Underlining that the transparent and effective management of its natural resources and ending illegal smuggling and trafficking of such resources are critical for the DRC's sustainable peace and security, *expressing concern* at the illegal exploitation and trafficking of natural resources by armed groups, and the negative impact of armed conflict on protected natural areas, *commending* the efforts of the DRC park rangers and others who seek to protect such areas, *encouraging* the Government of the DRC to continue efforts to safeguard these areas, and *stressing* its full respect for the sovereignty of the Government of the DRC over its natural resources and its responsibility to effectively manage these resources in this regard,

Recalling the linkage between the illegal exploitation of natural resources, including poaching and illegal trafficking of wildlife, illicit trade in such resources, and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, and encouraging the continuation of the regional efforts of the International Conference of the Great Lakes Region (ICGLR) and the governments involved against the illegal exploitation of natural resources, and *stressing*, in this regard, the importance of regional cooperation and deepening economic integration with special consideration for the exploitation of natural resources,

Noting the Group of Experts' findings that there have been positive efforts related to the minerals trade and traceability schemes but that gold remains a serious challenge, *recalling* the ICGLR's Lusaka Declaration of the Special Session to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region and its call for industry due diligence, *commending* the ICGLR's commitment and progress on this issue and *underscoring* that it is critical for regional governments and trading centres, particularly those involved in gold refining and the gold trade to intensify efforts to increase vigilance against smuggling and reduce practices that could undermine the DRC and ICGLR's regional efforts,

Noting with concern reports indicating the continued involvement of armed groups, as well as some elements of the FARDC, in the illegal minerals trade, the illegal production and trade of charcoal and wood, and wildlife poaching and trafficking,

Noting with great concern the persistence of serious human rights abuses and international humanitarian law violations against civilians in the eastern part of the DRC, including summary executions, sexual and gender-based violence and large scale recruitment and use of children committed by armed groups,

Stressing the crucial importance of a peaceful and credible electoral cycle, in accordance with the Constitution, for stabilization and consolidation of constitutional democracy in the DRC, *expressing deep concern* at increased restrictions of the political space in the DRC, in particular recent arrests and detention of members of the political opposition and of civil society, as well as restrictions of fundamental freedoms such as the freedom of expression and opinion, and *recalling* the need for an open, inclusive and peaceful political dialogue among all stakeholders focused on the holding of elections, while ensuring the protection of fundamental freedoms and human rights, paving the way for peaceful, credible, inclusive, transparent and timely elections in the DRC, particularly presidential and legislative elections by November 2016, in accordance with the Constitution, while respecting the African Charter on Democracy, Elections and Governance,

Remaining deeply concerned by reports of an increase in serious human rights and international humanitarian law violations committed by some members of the FARDC, the National Intelligence Agency, the Republican Guard and Congolese National Police (PNC), *urging* all parties to refrain from violence and provocation as well as to respect human rights, and *emphasizing* that the Government of the DRC must comply with the principle of proportionality in the use of force,

Recalling the importance of fighting against impunity within all ranks of its security forces, and *stressing the need* for the Government of the DRC to continue its efforts in this regard and to ensure the professionalism of its security forces,

Calling for all those responsible for violations of international humanitarian law and violations or abuses of human rights including those involving violence or abuses against children and acts of sexual and gender-based violence, to be swiftly apprehended, brought to justice and held accountable,

Recalling all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts, also *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to the parties in armed conflict of the DRC (S/AC.51/2014/3) adopted on 18 September 2014,

Welcoming the efforts of the Government of the DRC, including the Presidential Adviser on Sexual Violence and the Recruitment of Children, to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence, and MONUSCO, to implement the action plan to prevent and end the recruitment and use of children and sexual violence by the FARDC, and to combat impunity for conflict-related sexual violence, including sexual violence committed by the FARDC,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and *encouraging* efforts to further enhance cooperation,

Underlining the fundamental importance of timely and detailed notifications to the Committee concerning arms, ammunition and training as set out in section 11 of the Guidelines of the Committee,

Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Sanctions regime

1. *Decides* to renew until 1 July 2017 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 5 of that resolution;

2. *Reaffirms* that according to paragraph 2 of resolution 1807 (2008), these measures no longer apply to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or training related to military activities to the Government of the DRC;

3. *Decides* that the measures imposed by paragraph 1 shall not apply to:

(a) Supplies of arms and related materiel, as well as assistance, advice or training, intended solely for the support of or use by MONUSCO or the African Union-Regional Task Force;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the DRC by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 5 of resolution 1807 (2008);

(d) Other sales and or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

4. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

5. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of resolution 1807 (2008) in relation to those measures;

6. *Decides* that the measures imposed by paragraph 9 of resolution 1807 (2008) shall not apply as per the criteria set out in paragraph 10 of resolution 2078 (2012);

7. *Decides* that the measures referred to in paragraph 5 above shall apply to individuals and entities as designated by the Committee for engaging in or providing support for acts that undermine the peace, stability or security of the DRC, and *decides* that such acts include:

(a) acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) recruiting or using children in armed conflict in the DRC in violation of applicable international law;

(e) planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;

(f) obstructing the access to or the distribution of humanitarian assistance in the DRC;

(g) supporting individuals or entities, including armed groups or criminal networks, involved in destabilizing activities in the DRC through the illicit exploitation or trade of natural resources, including gold or wildlife as well as wildlife products;

(h) acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity;

(i) planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel;

(j) providing financial, material, or technological support for, or goods or services to, a designated individual or entity.

Group of Experts

8. *Decides* to extend until 1 August 2017 the mandate of the Group of Experts, *expresses its intention* to review the mandate and take appropriate action regarding the further extension no later than 1 July 2017, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to re-establish the Group of Experts, in consultation with the Committee, drawing, as appropriate, on the expertise of the members of the Group established pursuant to previous resolutions;

9. *Requests* the Group of Experts to fulfil its mandate as consolidated below, and to provide to the Council, after discussion with the Committee, a mid-term report no later than 30 December 2016, and a final report no later than 15 June 2017, as well as submit monthly updates to the Committee, except in the months where the mid-term and final reports are due:

(a) assist the Committee in carrying out its mandate, including through providing the Committee with information relevant to the potential designation of individuals and entities who may be engaging in the activities described in paragraph 7 of this resolution;

(b) gather, examine and analyse information regarding the implementation, with a focus on incidents of non-compliance, of the measures decided in this resolution;

(c) consider and recommend, where appropriate, ways of improving the capabilities of Member States, in particular those in the region, to ensure the measures imposed by this resolution are effectively implemented;

(d) gather, examine and analyse information regarding the regional and international support networks to armed groups and criminal networks in the DRC;

(e) gather, examine and analyse information regarding the supply, sale or transfer of arms, related materiel and related military assistance, including through illicit trafficking networks and the transfer of arms and related materiel to armed groups from the DRC security forces;

(f) gather, examine and analyse information regarding perpetrators of serious violations of international humanitarian law and human rights violations and abuses, including those within the security forces, in the DRC,

(g) evaluate the impact of minerals traceability referred to in paragraph 24 of this resolution and continue collaboration with other forums;

(h) assist the Committee in refining and updating information on the list of individuals and entities subject to the measures imposed by this resolution, including through the provision of identifying information and additional information for the publicly-available narrative summary of reasons for listing;

10. *Expresses* its full support to the Group of Experts and calls for enhanced cooperation between all States, particularly those in the region, MONUSCO, relevant UN bodies and the Group of Experts, *encourages* further that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control and *reiterates* its demand that all parties and all States ensure the safety of its members and its support staff, and that all parties and all States, including the DRC and countries of the region, provide unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

11. *Calls upon* the Group of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of its mandate;

Armed groups

12. *Strongly condemns* all armed groups operating in the region and their violations of international humanitarian law as well as other applicable international law, and abuses of human rights including attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, summary executions, sexual and gender-based violence and large scale recruitment and use of children, and *reiterates* that those responsible will be held accountable;

13. *Demands* that the FDLR, the ADF, the LRA and all other armed groups operating in the DRC cease immediately all forms of violence and other destabilizing activities, including the exploitation of natural resources, and that their members immediately and permanently disband, lay down their arms, and liberate and demobilize all children from their ranks;

National and Regional Commitments

14. *Welcomes* the progress made to date by the Government of the DRC on ending the recruitment and use of children in armed conflict, *urges* the Government of the DRC to continue the full implementation and dissemination throughout the military chain of command, including in remote areas, of its commitments made in the action plan signed with the United Nations, and for the protection of girls and boys from sexual violence, and further *calls upon* the Government of the DRC to ensure that children are not detained on charges related to association with armed groups;

15. *Welcomes* efforts made by the Government of the DRC to combat and prevent sexual violence in conflict, including progress made in the fight against

impunity, and *calls on* the Government of DRC to further pursue its action plan commitments to end sexual violence and violations committed by its armed forces and continue efforts in that regard, noting that failure to do so may result in the FARDC being named again in future Secretary-General's reports on sexual violence;

16. *Stresses* the importance of the Government of the DRC actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country and of regional cooperation to this end, including through its ongoing cooperation with the International Criminal Court, *encourages* MONUSCO to use its existing authority to assist the government of the DRC in this regard, and *calls on* all signatories of the PSC Framework to continue to implement their commitments and cooperate fully with one another and the Government of the DRC, as well as MONUSCO to this end;

17. *Recalls* that there should be no impunity for any of those responsible for violations of international humanitarian law and violations and abuses of human rights in the DRC and the region, and, in this regard, *urges* the DRC, all countries in the region and other concerned UN Member States to bring perpetrators to justice and hold them accountable, including those within the security sector;

18. *Calls on* the Government of the DRC to continue to enhance stockpile security, accountability and management of arms and ammunition, with the assistance of international partners, to address ongoing reports of diversion to armed groups, as necessary and requested, and to urgently implement a national weapons marking program, in particular for state-owned firearms, in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

19. *Emphasizes* the primary responsibility of the Government of the DRC to reinforce State authority and governance in eastern DRC, including through effective security sector reform to allow army, police and justice sector reform, and to end impunity for violations and abuses of human rights and violations of international humanitarian law, and *urges* the Government of the DRC to increase efforts in this regard, in accordance with its national commitments under the PSC Framework;

20. *Urges* the Government of the DRC as well as all relevant parties to ensure an environment conducive to a free, fair, credible, inclusive, transparent, peaceful and timely electoral process, in accordance with the Congolese Constitution, and *recalls* paragraphs 7, 8, 9 and 10 of resolution 2277 (2016);

21. *Calls upon* all States, especially those in the region, to take effective steps to ensure that there is no support, in or from their territories, for armed groups in, or travelling through, the DRC, stressing the need to address the networks of support, the recruitment and use of child soldiers, financing and recruitment of armed groups active in the DRC, as well as the need to address the ongoing collaboration between FARDC elements and armed groups at a local level, and *calls upon* all States to take steps to hold accountable, where appropriate, leaders and members of the FDLR and other armed groups residing in their countries;

Natural Resources

22. *Further encourages* the continuation of efforts by the Government of the DRC to address issues of illegal exploitation and smuggling of natural resources,

including holding accountable those elements of the FARDC which participate in the illicit trade of natural resources, particularly gold and wildlife products;

23. *Stresses* the need to undertake further efforts to cut off financing for armed groups involved in destabilizing activities through the illicit trade of natural resources, including gold or wildlife products;

24. *Welcomes* in this regard the measures taken by the Congolese Government to implement the due diligence guidelines on the supply chain of minerals, as defined by the Group of Experts and the Organization for Economic Cooperation and Development (OECD), *recognizes* the Congolese Government's efforts to implement minerals traceability schemes, and *calls on* all States to assist the DRC, the ICGLR and the countries in the Great Lakes region to develop a responsible minerals trade;

25. *Welcomes* measures taken by the Governments in the region to implement the Group of Experts due diligence guidelines, including adopting the Regional Certification Mechanism of the ICGLR into their national legislation, in accordance with OECD Guidance and international practice, *requests* the extension of the certification process to other Member States in the region, and *calls on* all States, particularly those in the region, to continue to raise awareness of the due diligence guidelines, including by urging importers, processing industries, including gold refiners, and consumers of Congolese mineral products to exercise due diligence in accordance with paragraph 19 of resolution 1952 (2010);

26. *Encourages* the ICGLR and ICGLR Member States to work closely with the industry schemes currently operating in the DRC to ensure sustainability, transparency, and accountability of operations, and further *recognizes* and *encourages* the DRC government's continued support for the establishment of traceability and diligence systems to allow for the export of artisanal gold;

27. *Continues to encourage* the ICGLR to put in place the necessary technical capacity required to support Member States in their fight against the illegal exploitation of natural resources, *notes* that some ICGLR Member States have made significant progress, and *recommends* all Member States to fully implement the regional certification scheme and report mineral trade statistics in accordance with paragraph 19 of resolution 1952 (2010);

28. *Encourages* all States to continue efforts to end the illicit trade in natural resources, in particular in the gold sector, and to hold those complicit in the illicit trade accountable, as part of broader efforts to ensure that the illicit trade in natural resources is not benefiting sanctioned entities, armed groups or criminal networks, including those with members in the FARDC;

29. *Reaffirms* the provisions of paragraphs 7 to 9 of resolution 2021 (2011) and *calls upon* the DRC and States in the Great Lakes region to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources, including wildlife poaching and trafficking, and require their customs authorities to strengthen their control on exports and imports of minerals from the DRC;

Role of MONUSCO

30. *Recalls* the mandate of MONUSCO as outlined in resolution 2277 (2016), in particular in paragraph 31 underlining the importance of enhanced political and conflict-related analysis, including by collecting and analysing information on the criminal networks which support the armed groups, paragraph 36 (ii) regarding the monitoring of the implementation of the arms embargo, and paragraph 36 (iii) on mining activities;

31. *Encourages* timely information exchange between MONUSCO and the Group of Experts in line with paragraph 43 of resolution 2277 (2016), and *requests* MONUSCO to assist the Committee and the Group of Experts, within its capabilities;

Sanctions Committee, Reporting and Review

32. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 7 of this resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 4, and 5 and recommended in paragraph 8 of resolution 1952 (2010);

33. *Emphasizes* the importance for the Committee of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

34. *Requests* the Committee to report orally, through its Chair, at least once per year to the Council, on the state of the overall work of the Committee, including alongside the Special Representative of the Secretary-General for the DRC on the situation in the DRC as appropriate, and encourages the Chair to hold regular briefings for all interested Member States;

35. *Requests* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 4 and 5 above and to determine the appropriate course of action on each case, and *requests* the Chair, in regular reports to the Council pursuant to paragraph 34 of this resolution, to provide progress reports on the Committee's work on this issue;

36. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

37. *Decides* that, when appropriate and no later than 1 July 2017, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the DRC, in particular progress in security sector reform and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups, with a particular focus on children among them, and compliance with this resolution;

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



Security Council

Distr.: General
31 March 2008

Resolution 1807 (2008)

**Adopted by the Security Council at its 5861st meeting,
on 31 March 2008**

The Security Council,

Recalling its previous resolutions, in particular resolution 1794 (2007), and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Reiterating its serious concern regarding the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and the Ituri district, which perpetuate a climate of insecurity in the whole region,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Recalling the joint communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the outcome of the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, which together represent a major step towards the restoration of lasting peace and stability in the Great Lakes region, and *looking forward* to their full implementation,

Recalling its resolution 1804 (2008) and its demand that the Rwandan armed groups operating in the eastern Democratic Republic of the Congo lay down their arms without any further delay or preconditions,

Reiterating the importance of urgently carrying out security sector reform and of disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and *welcoming* in this regard the round table on the reform of the security sector that was held on 24 and 25 February 2008 in Kinshasa,



Taking note of the final report (S/2008/43) of the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1771 (2007) (“the Group of Experts”) and of its recommendations,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo,

Stressing that improved exchange of information between the Committee established pursuant to resolution 1533 (2004) (“the Committee”), the Group of Experts, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), other United Nations offices and missions in the region, within their respective mandates, and the Governments of the region can contribute to the prevention of arms shipments to non-governmental entities and individuals subject to the arms embargo,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Recalling its resolution 1612 (2005) and its previous resolutions on children and armed conflict, and *strongly condemning* the continued recruitment, targeting and use of children in violation of applicable international law, in the hostilities in the Democratic Republic of the Congo,

Recalling its resolution 1325 (2000) on women, peace and security, and *strongly condemning* the continuing violence, in particular sexual violence directed against women in the Democratic Republic of the Congo,

Calling on the donor community to continue to provide urgent assistance needed for the reform of the administration of justice in the Democratic Republic of the Congo,

Recalling the measures on arms imposed by paragraph 20 of resolution 1493, as amended and expanded by paragraph 1 of resolution 1596,

Recalling the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596,

Recalling the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596, paragraph 2 of resolution 1649, and paragraph 13 of resolution 1698,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

A

1. *Decides*, for a further period ending on 31 December 2008, that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial

assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo;

2. *Decides* that the measures on arms, previously imposed by paragraph 20 of resolution 1493 and paragraph 1 of resolution 1596, as renewed in paragraph 1 above, shall no longer apply to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or training related to military activities to the Government of the Democratic Republic of the Congo;

3. *Decides* that the measures in paragraph 1 above shall not apply to:

(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC);

(b) Protective clothing, including flack jackets and military helmets, temporarily exported to the Democratic Republic of the Congo by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 5 below;

4. *Decides* to terminate the obligations set out in paragraph 4 of resolution 1596 and paragraph 4 of resolution 1771;

5. *Decides*, for the period referred to in paragraph 1 above, that all States shall notify in advance to the Committee any shipment of arms and related materiel for the Democratic Republic of the Congo, or any provision of assistance, advice or training related to military activities in the Democratic Republic of the Congo, except those referred to in subparagraphs (a) and (b) of paragraph 3 above, and *stresses* the importance that such notifications contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments;

B

6. *Decides* that, for a further period ending on the date referred to in paragraph 1 above, all governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licenses of pilots;

(b) To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organisation, in particular with respect to the use of falsified or out-of-date documents, to notify the Committee of the measures they take in this regard;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;

7. *Recalls* that, pursuant to paragraph 7 of resolution 1596, each government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, must maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;

8. *Decides* that, for a further period ending on the date referred to in paragraph 1 above, the government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;

(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1 above, and notify the Committee of such actions;

C

9. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee pursuant to paragraph 13 below, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;

10. *Decides* that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

(c) Where the Committee authorises in advance, and on a case by case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law;

11. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by the Committee pursuant to paragraph 13 below, or that are held by entities owned or controlled, directly or indirectly, by them or by any persons or entities acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that no funds,

financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

12. *Decides* that the provisions of paragraph 11 above do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

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

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 13 below, and has been notified by the relevant States to the Committee;

13. *Decides* that the provisions of paragraphs 9 and 11 above shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

14. *Decides*, for a further period ending on the date referred to in paragraph 1 above, that the measures in paragraphs 9 and 11 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of

resolution 1596, paragraph 2 of resolution 1649, and paragraph 13 of resolution 1698, unless the Committee decides otherwise;

D

15. *Decides* that the Committee shall, from the adoption of this resolution, have the following mandate:

(a) To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 6, 8, 9 and 11 above and to comply with paragraphs 18 and 24 of resolution 1493, and thereafter to request from them whatever further information it may consider useful, including by providing States with an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

(b) To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 1 above and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, identifying where possible individual and entities reported to be engaged in such violations, as well as aircraft or other vehicles used;

(c) To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 1 above;

(d) To receive notifications in advance from States made under paragraph 5 above, to inform MONUC and the Government of the Democratic Republic of the Congo of every notification received, and to consult with the Government of the Democratic Republic of the Congo and/or the notifying State, if appropriate, to verify that such shipments are in conformity with the measures set forth in paragraph 1 above, and to decide, if need be, upon any action to be taken;

(e) To designate, pursuant to paragraph 13 above, persons and entities as subject to the measures set forth in paragraphs 9 and 11 above, including aircraft and airlines in light of paragraphs 5 and 7 above, and regularly to update its list,

(f) To call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute as appropriate individuals and entities designated by the Committee pursuant to subparagraph (e) above,

(g) To consider and decide on requests for the exemptions set out in paragraphs 10 and 12 above,

(h) To promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 1, 6, 8, 9 and 11 above;

16. *Calls upon* all States, in particular those in the region, to support the implementation of the arms embargo and to cooperate fully with the Committee in carrying out its mandate;

E

17. *Requests* the Secretary-General to extend, for a period expiring on 31 December 2008, the Group of Experts established pursuant to resolution 1771;

18. *Requests* the Group of Experts to fulfil the following mandate:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate and share with MONUC, as appropriate, information that might be of use in the fulfilment of the Mission's monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 1 above;

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States interested, in particular those of the region, to ensure the measures imposed by paragraph 1 above are effectively implemented;

(d) To update the Committee on its work as appropriate and report to the Council in writing, through the Committee, by 15 August 2008 and again before 15 November 2008, on the implementation of the measures set forth in paragraphs 1, 6, 8, 9 and 11 above, with recommendations in this regard, including information on the sources of financing, such as from natural resources, which are funding the illicit trade of arms;

(e) To keep the Committee frequently updated on its activities;

(f) To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 1 above, and those found to have supported them in such activities for possible future measures by the Council;

(g) Within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of the individuals referred to in subparagraphs (b) to (e) of paragraph 13 above, by making known without delay to the Committee any useful information;

19. *Requests* MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts to continue to focus their monitoring activities in North and South Kivu and in Ituri;

20. *Requests* the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding the arms shipment with a view to facilitating the effective implementation of the arms embargo on non-governmental entities and individuals, regarding the illegal trafficking in natural resources and regarding activities of individuals and entities designated by the Committee pursuant to paragraph 13 above;

21. *Reiterates* its demand, expressed in paragraph 19 of resolution 1596, that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure:

- The safety of its members;

- Unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

F

22. *Decides* that, when appropriate and no later than 31 December 2008, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in the light of consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

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