

**Security Council**

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**Letter dated 10 January 2011 from the Chair of the
Security Council Committee established pursuant to resolution
1533 (2004) concerning the Democratic Republic of the Congo
addressed to the President of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2010 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(Signed) Maria Luiza Ribeiro **Viotti**
Chair

Security Council Committee established pursuant
to resolution 1533 (2004) concerning the
Democratic Republic of the Congo



Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

A. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2010.
2. For 2010, the Bureau of the Committee consisted of Maria Luiza Ribeiro Viotti (Brazil), as Chair, with the delegations of Gabon and Lebanon serving as Vice-Chairs.

B. Background

3. By paragraph 20 of its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups operating in the territory of North and South Kivu and Ituri. The Council also provided for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to report to the Council regularly on the movements of armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in North and South Kivu and Ituri.
4. By its resolution 1533 (2004), the Security Council established the Committee, inter alia, (a) to seek information from States regarding implementation of the arms embargo; (b) to examine and take action on alleged violations; (c) to report to the Council on ways to strengthen the arms embargo; (d) to consider a list of those found to have violated the measures imposed by the Council in its resolution 1493 (2003) with a view to submitting recommendations to the Council for possible future measures; and (e) to receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) and to decide, if need be, upon any action to be taken.
5. By paragraph 10 of its resolution 1533 (2004), the Security Council requested the Secretary-General, in consultation with the Committee, to establish a Group of Experts to monitor the arms embargo. The Group of Experts was re-established or extended for 11 successive mandates pursuant to resolutions 1552 (2004), 1596 (2005), 1616 (2005), 1654 (2006), 1698 (2006), 1771 (2007), 1799 (2008), 1807 (2008), 1857 (2008), 1896 (2009) and 1952 (2010).
6. By its resolution 1596 (2005), the Security Council extended the arms embargo to any recipient in the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the Congo, under conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By the same resolution, the Council decided to provide the Group of Experts with a broader mandate in connection with the measures set out in paragraphs 6, 10, 13 and 15 of the resolution, with the addition of a fifth finance expert.

7. By its resolution 1616 (2005), the Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo or Congolese militias receiving support from abroad that impede the participation of their combatants in disarmament, demobilization and reintegration processes, to take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo was being completed.

8. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo as well as travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in resolutions 1596 (2005) and 1649 (2005). By the same resolution, the Council extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict, and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. In addition to the tasks outlined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), the Council requested the Group to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups. In paragraph 8 of its resolution 1698 (2006), the Council also requested the Secretary-General to present before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures referred to in paragraph 6 of the resolution.

9. By its resolution 1771 (2007), the Council decided to renew the measures on arms imposed under resolutions 1493 (2003) and 1596 (2005) for a period expiring on 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that conditions specified in paragraph 2 (a), (b) and (c) of the resolution were met. In addition, in paragraph 3 of its resolution 1771 (2007), the Council decided to authorize an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo and intended solely for support of units of the Democratic Republic of the Congo army and police that were in the process of integration in the provinces of North and South Kivu and the Ituri district.

10. By paragraph 4 of its resolution 1771 (2007), the Council decided that the conditions specified in paragraph 4 of resolution 1596 (2005), as applied to the Government of the Democratic Republic of the Congo, should apply to supplies of arms and related materiel as well as technical training and assistance which are consistent with the exemptions described in paragraphs 2 and 3 of resolution 1771 (2007), and noted in this regard that States had an obligation to notify the Committee in advance of such supplies. The Council also decided to renew the measures on transport, travel and finance in accordance with resolutions 1596 (2005), 1649 (2005) and 1698 (2006), and to review, no later than 15 February 2008, the measures concerning the arms embargo and transport, travel and financial bans, in the light of the consolidation of the security situation and the processes of

integration of armed forces and reform of the national police in the Democratic Republic of the Congo.

11. By paragraph 1 of its resolution 1799 (2008), the Council decided to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005).

12. By paragraph 1 of its resolution 1807 (2008), the Council decided that, for a period ending on 31 December 2008, 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. By paragraph 2, the Council decided that the measures on arms and technical training no longer applied to the Government of the Democratic Republic of the Congo. By paragraph 5, the Council decided the obligation of States to notify the Committee of all shipments of arms and related materiel, as well as the provision of training and assistance to the Democratic Republic of the Congo. By paragraph 13 (e), the Council extended the travel and financial measures to 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.

13. By its resolution 1857 (2008), the Security Council decided to extend the sanctions regime for a further period expiring on 30 November 2009. By paragraph 4 of the same resolution, the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo, as well as individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through the illicit trade of natural resources.

14. By paragraphs 6 (a) and (b) of resolution 1857 (2008), the mandate of the Committee was expanded to promulgate guidelines for the conduct of its work, and to review regularly the list of individuals and entities subject to the travel ban and assets freeze and adopted by the Committee on 1 November 2005, with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate and to encourage Member States to provide any additional information whenever such information become available.

15. By its resolution 1896 (2009), the Security Council decided to extend the sanctions regime for a further period expiring on 30 November 2010. By paragraph 4 (c) of the same resolution, the Council decided to expand the Committee's mandate "to specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States". By paragraph 4 (a) of the resolution, the Council also decided that the Committee should promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008) in order to facilitate the implementation of the measures imposed by the resolution.

16. By paragraph 7 of resolution 1896 (2009), the Council also expanded the mandate of the Group of Experts to include the task to produce, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing inter alia on their reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo. By paragraph 8 of the same resolution, the Council requested the Group to focus its activities on the Orientale Province as well as on regional and international networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo.

17. By paragraph 14 of resolution 1896 (2009), the Council called upon Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase.

18. By paragraph 16 of resolution 1896 (2009), the Council recommended that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the Democratic Republic of the Congo through the exploitation and trafficking of natural resources.

19. By paragraph 17 of resolution 1896 (2009), the Security Council recommended that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite.

20. By paragraphs 1 and 2 of its resolution 1952 (2010), adopted on 29 November 2010, the Security Council renewed until 30 November 2011 the measures on arms and transport imposed respectively by paragraph 1 and paragraphs 6 and 8 of resolution 1807 (2008). The Council also renewed for the same period the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008), and reaffirmed the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008).

21. With the addition of a sixth expert for natural resources, the Security Council, by paragraph 6 of resolution 1952 (2010), expanded the mandate of the Group of Experts to “areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province”, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in the eastern part of the Democratic Republic of the Congo; and requested the Group to evaluate the impact of due diligence guidelines referred to in the resolution.

22. By paragraph 7 of resolution 1952 (2010), the Security Council decided to support taking forward the Group of Experts’ recommendations on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products, as set out in its final report of 29 November 2010 (S/2010/596), to mitigate the risk of further exacerbating the conflict in the eastern part of the Democratic Republic of the Congo by providing direct or indirect support to illegal armed groups, those found to violate the asset freeze and travel ban on sanctioned individuals and entities, and criminal networks and perpetrators of serious violations

of international humanitarian law and human rights abuses, including those within the national armed forces.

23. By paragraph 8 of resolution 1952 (2010), the Security Council called upon all States to take appropriate steps to raise awareness of the due diligence guidelines referred to above, and to urge importers, processing industries and consumers of Congolese mineral products to exercise due diligence by applying the aforementioned guidelines, or equivalent guidelines. By paragraph 9 of the same resolution, the Council also decided that the Sanctions Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources, should consider, among other things, whether the individual or entity has exercised due diligence consistent with the steps set out in the resolution.

24. By paragraph 19 of resolution 1952 (2010), the Council recommended that all States, particularly those in the region, regularly publish full import and export statistics for natural resources including gold, cassiterite, coltan, wolframite, timber and charcoal, and enhance information-sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

C. Summary of the activities of the Committee

25. Following up on the recommendations contained in the Group of Experts final report of 2009 (S/2009/603), the Committee circulated a note verbale to all Member States in March 2010 to draw their attention to the recommendations presented in the report, and carried out over the course of 2010 its regular mandate regarding the receipt and circulation of notifications conveyed by Member States, receiving 50 communications from Member States, circulating 26 notes to members of the Committee and dispatching 67 official communications.

26. The Committee held informal consultations on 12 February, 21 May and 12 November 2010. At its meeting on 21 May, the Group of Experts presented its interim report (S/2010/252) and the Committee received a briefing by the Special Representative of the Secretary-General for Children and Armed Conflict. At the meeting on 12 November 2010, the Group of Experts on the Democratic Republic of the Congo presented the main findings of its final report (S/2010/596), issued pursuant to resolution 1896 (2009).

27. On 6 August 2010, the Committee promulgated its guidelines, which, in addition to establishing rules for its internal procedures, also specified the necessary information that Member States should provide in order to fulfil the notification requirement regarding the provision of military equipment or military cooperation to the Democratic Republic of the Congo, based on recommendations provided by the Group of Experts in its interim report. The work of the Committee on the issues of guidelines and requirements was undertaken in pursuance of paragraph 4 of resolution 1896 (2009).

28. On 31 August 2010, the Committee updated its list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), as renewed by paragraph 3 of resolution 1896 (2009), based on information from the reports of the Groups of Experts, the report of the June 2010 Security Council

mission to the Democratic Republic of the Congo and the letter of November 2009 from the Special Representative of the Secretary-General for Children and Armed Conflict addressed to the Committee. On 1 December 2010, the Committee added four individuals to the list of individuals and entities subject to the travel ban and assets freeze.

29. Over the course of 2010, the Committee received nine reports pursuant to paragraph 5 of resolution 1896 (2009), by which the Council called upon Member States to report to the Committee on the actions they had taken to implement the measures imposed by paragraphs 1, 2 and 3 of the resolution.
