

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2023 Nr. 127

A. TITEL

*Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945*

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 006585 in de Verdragenbank.

B. TEKST

Op 29 september 2023 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 9429^e zitting Resolutie 2698 (2023) inzake Libië aangenomen. De Engelse tekst van de resolutie luidt:

Resolution 2698 (2023)

Adopted by the Security Council at its 9429th meeting, on 29 September 2023

The Security Council,

Recalling its resolutions 2240 (2015), 2312 (2016), 2380 (2017), 2437 (2018), 2491 (2019), 2546 (2020), 2598 (2021) and 2652 (2022) and its Presidential Statement of 16 December 2015 (S/PRST/2015/25),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Welcoming the Secretary-General's report of 30 August 2023 (S/2023/640) including its observations on the plight of migrants and refugees in Libya,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Welcoming the measures that have been taken to implement resolution 2240 (2015) encouraging their continuation, and taking note of Operation EUNAVFOR MED Irini in this regard,

Expressing grave concern at the continued endangerment of lives by the smuggling of migrants in the Mediterranean Sea, in particular off the coast of Libya, and recognizing that among these migrants may be persons who meet the definition of a refugee under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto,

Emphasizing in this respect that migrants, including asylum-seekers and regardless of their migration status, should be treated with humanity and dignity and that their rights should be fully respected, and urging all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law, as applicable, stressing also the obligation of States, where applicable, to protect the human rights of migrants regardless of their migration status, including when implementing their specific migration and border security policies,

Reaffirming in this respect the need to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability,

Underscoring the importance of a holistic approach to address the root causes of irregular migration and further affirming that enhanced cooperation and solidarity is more urgent than ever, and that regional cooperation and solutions, as well as national efforts place human rights and the dignity of migrants and refugees at the front and center,

Reaffirming the necessity to put an end to the ongoing proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya, and, for these specific purposes, acting under Chapter VII of the Charter of the United Nations,

1. *Condemns* all acts of migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya, which undermine further the process of stabilisation of Libya and endanger the lives of hundreds of thousands of people;
2. *Calls* upon Member States to place the human rights and the immediate needs of migrants and refugees at the core of their efforts to prevent and counter smuggling and trafficking;
3. *Decides* to renew the authorisations as set out in paragraphs 7, 8, 9 and 10 of resolution 2240 (2015), for a further period of twelve months from the date of adoption of this resolution, reaffirms paragraph 11 thereof and reiterates its resolutions 2240 (2015), 2312 (2016), 2380 (2017), 2437 (2018), 2491 (2019), 2546 (2020), 2598 (2021) and 2652 (2022) and its Presidential Statement S/PRST/2015/25;
4. *Emphasises* that all migrants, including asylum-seekers, should be treated with humanity and dignity and that their rights should be fully respected, and urges all States in this regard to comply with their obligations under international law, including international human rights law and international refugee law, as applicable;
5. *Calls* upon all States, with relevant jurisdiction under international law and national legislation, to investigate and prosecute persons responsible for acts of migrant smuggling and human trafficking at sea, in a manner consistent with States' obligations under international law, including international human rights law and international refugee law, as applicable;
6. *Renews* the reporting requests set out in paragraph 17 of its resolution 2240 (2015) from the date of adoption of this resolution, and requests the Secretary-General to report to the Security Council eleven months after the adoption of this resolution on its implementation, in particular with regard to the implementation of paragraphs 7 to 10 of its resolution 2240 (2015);
7. *Expresses* its intention to continue to review the situation and consider, as appropriate, renewing the authority provided in this resolution for additional periods;
8. *Decides* to remain seized of the matter.

Op 2 oktober 2023 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 9430^e zitting Resolutie 2699 (2023) inzake Haïti aangenomen. De Engelse tekst van de resolutie luidt:

Resolution 2699 (2023)

Adopted by the Security Council at its 9430th meeting, on 2 October 2023

The Security Council,

Recalling all its previous resolutions and press statements, and *reaffirming* resolution 2692 (2023), on the situation in Haiti,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Haiti,

Emphasizing that the Government of Haiti has the primary responsibility for the provision of security, ensuring stability and respect for the rule of law and human rights, and for the protection of civilians across the territory of Haiti, and *expressing great concern* at the increasingly violent actions taken by armed groups and criminal networks,

Reaffirming the importance of a professional, self-sustaining, fully functioning Haitian National Police of adequate size, structure and equipment, able to conduct the full spectrum of police functions, for the maintenance of public safety, respect for human rights, consolidation of democracy and the revitalization of Haiti's system of justice and *encouraging* Haiti to pursue actively its plans in these respects,

Condemning in the strongest terms the increasing violence, criminal activities, and human rights abuses and violations which undermine the peace, stability, and security of Haiti and the region, including kidnappings, sexual and gender-based violence, trafficking in persons and the smuggling of migrants, homicides, extrajudicial killings, as well as arms smuggling,

Strongly condemning and expressing deep concern over the gravity and numbers of violations and abuses committed against children in Haiti; and *urging all actors*, especially gangs and criminal networks, to immediately end and prevent all violations and abuses against children, including those involving killing and maiming, recruitment and use, rape and other forms of sexual and gender-based violence, particularly against girls, attacks on schools and hospitals, abduction, and denial of humanitarian access,

Urging all actors, including Haitian gangs and their supporters, to cease their destabilizing and criminal activities, and further urging those with the ability to influence the gangs to act to stop the blocking of roads required for the supplying of and access to local markets and the damaging of sources of food, including crops and livestock, as well as medical, and humanitarian supplies, and highlighting the link between violence and food insecurity, that has reached unprecedented levels,

Stressing the need to create a safe and secure environment in Haiti and the region that enables respect for human rights, in particular women's rights, and the protection of children, is conducive to the rule of law, functional state institutions and an effective judicial system, and facilitates the humanitarian delivery of life-sustaining water, fuel, food, and medical supplies,

Recalling its resolution 2653 (2022), which established sanctions measures in response to the threat to international peace and security in the region posed by the high levels of gang violence and other criminal activities, as well as of illicit arms and financial flows, and *further recalling* resolution 2664 (2022) which supersedes the asset freeze exception set forth in paragraph 10 of resolution 2653,

Reaffirming the commitment of the international community to address the security and humanitarian needs in Haiti, including through offering continued support to the United Nations Integrated Office in Haiti (BINUH),

Stressing that addressing the root causes of instability in Haiti requires political solutions, and in this regard *further emphasizing* the urgent need to encourage wider participation and forge the broadest possible consensus in the political process, with, as soon as necessary security conditions are met, a view to holding transparent, inclusive, and credible electoral processes and free and fair elections, and restoring democratic institutions,

Reiterating the need for all Haitian stakeholders, including with BINUH's support, to continue to facilitate a Haitian-led, Haitian-owned political process to permit the organization of free and fair legislative and presidential elections, with the full, equal, meaningful, and safe participation of women and the engagement of youth, civil society, and other relevant stakeholders through an inclusive inter-Haitian national dialogue, and further requests all Haitian stakeholders to urgently reach an agreement on a sustainable, time-bound and commonly accepted roadmap for elections,

Taking note of the recent visits by the Eminent Persons Group of Caribbean Community (CARICOM) to Haiti and welcoming its continued commitment to supporting the political dialogue,

Recognizing the key role of countries in the region, as well as regional and subregional organizations such as the Caribbean Community (CARICOM), and other international partners, in particular the key role of CARICOM and its Eminent Persons Group in facilitating the political dialogue, and *calling on* the international community to remain committed to Haiti's efforts in overcoming the ongoing political stalemate and security and humanitarian situation,

Taking note of the direct appeal of 6 October 2022 of Haiti's Council of Ministers for the deployment of a specialized international force and technical assistance to support the Haitian National Police's efforts to address high levels of gang violence and re-establish security, further taking note of the letter dated 8 October 2022 of the Secretary-General (S/2022/747), the report of the Secretary-General (document S/2023/274) dated 14 April 2023, and Jamaican statement on behalf of CARICOM before the Security Council on 6 July 2023 to authorize multinational security efforts with the appropriate mandate to support the Haitian National Police,

Gravely concerned by the continued and significant deterioration of the humanitarian situation in Haiti, including the forced displacement of persons, and urging all parties to immediately cease violations and abuses,

Taking note of the need to coordinate, as appropriate, with BINUH and UNODC to reduce gang and community violence, as well as to ensure respect for human rights and build child protection capacity, and the need to further strengthen training efforts by BINUH and international partners to expand the overall capacities of the national police beyond security operations, including expanding the number of national police officers, continued vetting, enhancing community-oriented policing skills, strengthening capacity to prevent and respond to sexual and gender-based violence, ensuring the full, equal, and meaningful involvement and representation of women at all levels, ensuring respect for the rule of law, and restoring police stations that have been destroyed in gang-controlled areas,

Underscoring the need for broader efforts beyond the work of the Multinational Security Support (MSS) mission to sustainably address the root causes of gang violence, which emanate from political, institutional, and socio-economic instability and, in this regard, reiterating its call to the international community, including international financial institutions, to enhance support for long-term economic, social and institutional development in Haiti even after its stability is restored,

Underscoring the need for the international community to work with the people of Haiti in a long-term effort to promote the rebuilding of democratic institutions, including the organization of free and fair elections,

Welcoming the announcement of 29 July by the Government of Kenya to positively consider leading a multinational mission at the invitation of Haiti and in response to the appeal by the UN Secretary-General, following consultations with Haiti and the unanimous encouragement of security support to Haiti by the Security Council in resolution 2692 (2023), and further welcoming the positive responses to participate made by several Member States,

Taking note of the letter dated 26 September 2023 from the Secretary-General addressed to the President of the Security Council (S/2023/726), strongly expressing the desire to obtain authorization from the Security Council under Chapter VII, and which expresses hope, following an assessment visit by a Kenyan delegation, that the Multinational Security Support mission would help ensure the security of the country's critical infrastructure and would be able to carry out targeted operations, in close collaboration with the Haitian National Police,

Recognizing the importance and urgency of curbing the illicit trafficking of arms and ammunition to Haiti to the creation of a safe operating environment for international security support, including the deployment of a multinational security support mission,

Taking note of the call made by the Government of Kenya on 21 September 2023 urging the United Nations to urgently deliver an appropriate framework to facilitate the deployment of Multinational Security Support as part of a holistic response to Haiti's challenges, calling on the Security Council to approve a resolution under Chapter VII that tailors the security support mission to the specific needs of Haiti and its people,

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

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

1. *Authorizes* Member States that have notified the Secretary-General of their participation to form and deploy a Multinational Security Support (MSS) mission with a lead country, in close cooperation and coordination with the Government of Haiti, for an initial period of twelve months following the adoption of this resolution, to be reviewed nine months after the adoption of this resolution, on the understanding that the cost of implementing this temporary operation will be borne by voluntary contributions and support from individual Member States and regional organizations, and in strict compliance with international law, including, international human rights law, as applicable, to support the efforts of the Haitian National Police to re-establish security in Haiti and build security conditions conducive to holding free and fair elections, by:
 - a) providing operational support to the Haitian National Police, including building its capacity through the planning and conduct of joint security support operations, as it works to counter gangs and improve security conditions in Haiti, characterized by kidnappings, sexual and gender-based violence, trafficking in persons and the smuggling of migrants and arms, homicides, extrajudicial killings, and recruitment of children by armed groups and criminal networks; and
 - b) providing support, to the Haitian National Police, for the provision of security for critical infrastructure sites and transit locations such as the airport, ports, schools, hospitals and key intersections;
2. *Calls on* the MSS, through its support to the Haitian National Police outlined in paragraph 1, to help ensure unhindered and safe access to humanitarian aid for the population receiving assistance;
3. *Decides* that the Multinational Security Support mission, as requested by Haiti in its letter dated 22 September 2023, in coordination with the Haitian National Police, may, to prevent the loss of life and within the limits of its capacities and areas of deployment, adopt urgent temporary measures on an exceptional basis, which are limited in scope, time bound, proportionate and consistent with the objectives set forth in paragraph 1 above, to help the Haitian National Police maintain basic law and order and public safety, including through arrest and detention, as necessary and in full compliance with international law, including international human rights law, as applicable; and requests the leadership of the Multinational Security Support mission to update the Security Council any measures that may be adopted on this basis;
4. *Calls on* Member States and regional organizations to contribute personnel, equipment, and necessary financial and logistic resources based upon the urgent needs of the Multinational Security Support mission and *invites* contributing Member States to inform in writing the leadership of the Multinational Security Support mission, the Security Council and the Secretary-General of their intent to participate in the mission, and further requests Haiti and the leadership of the Multinational Security Support mission to update regularly the Security Council and the Secretary-General of the progress of deployment of relevant personnel and equipment;
5. *Authorizes* the Member States participating in the Multinational Security Support mission in Haiti to take all necessary measures to fulfil its mandate, strictly adhering to all international law, including international human rights law, as applicable;
6. *Requests* the Multinational Security Support mission to take fully into account child protection and the protection of other vulnerable groups as a cross-cutting issue throughout its mandate in all the planning and conduct of its operations;

7. *Requests* Member States participating in the Multinational Security Support mission in Haiti to include dedicated expertise in anti-gang operations, community-oriented policing, children and women's protection, and preventing and responding to sexual and gender-based violence in a victim-centred manner, and to take necessary action to ensure appropriate conduct and discipline and to prevent sexual exploitation and abuse, including vetting of all personnel and other safe hiring practices, encouraging women's representation at all levels of the MSS, and predeployment and in-mission awareness training on human rights, child protection, and sexual and gender based violence, and to detect incidents when they occur and ensure a safe survivor- and victim-centred response in cases of such conduct involving their personnel, including through providing safe and accessible complaint mechanisms and timely investigations of all allegations of misconduct, to hold perpetrators accountable, and to repatriate units when there is credible evidence of misconduct, including widespread or systemic sexual exploitation and abuse, by those units;
8. *Requests* the leadership of the Multinational Security Support mission, in coordination with the government of Haiti and Member States participating in the MSS, to inform the Council, prior to the mission's full deployment, on information including but not limited to the concept of operations developed in consultations and cooperation with the government of Haiti and Member States participating in the MSS, sequencing of deployment, mission goals and end state, rules of engagement, as well as indicative financial needs to be funded by voluntary contributions, and number of personnel to be deployed;
9. *Reaffirms* that the rules of engagement and any directives on the use of force are to be developed by the leadership of the Multinational Security Support mission in consultation with Haiti and other Member States participating in the MSS and should be in full respect of Haiti's sovereignty and in strict compliance with international law, including, international human rights law, as applicable;
10. *Requests* the Member States participating in the Multinational Security Support mission in Haiti to ensure the highest standards of transparency, conduct and discipline for their contingents operating in the framework of the Multinational Security Support mission in Haiti, to establish a robust compliance mechanism to prevent, investigate, address and publicly report violations or abuses of human rights related to the Multinational Security Support mission in Haiti;
11. *Calls on* the Multinational Security Support mission to establish an oversight mechanism to prevent human rights violations or abuses, in particular sexual exploitation and abuse as well as to ensure that the planning and conduct of operations during deployment will be in accordance with applicable international law;
12. *Requests* Member States participating in the Multinational Security Support mission in Haiti to adopt appropriate wastewater management and other environmental controls to guard against the introduction and spread of water-borne diseases, in accordance with The World Health Organization Water Quality: Guidelines, Standards, and Health publication on Assessment of Risk and Risk Management for Water-related infectious diseases from 2001, and in cooperation with Haitian authorities, which bear shared responsibility for guarding against water-borne disease;
13. *Requests* the Multinational Security Support mission to cooperate with BINUH and relevant UN agencies, including but not limited to UNODC and the Office of the High Commissioner for Human Rights, to support the efforts of the Haitian National Police to re-establish security in Haiti, including efforts by the Haitian National police to combat illicit trafficking and diversion of arms and related materiel and to enhance management and control of borders and ports;
14. *Decides* that paragraph 11 of resolution 2653 (2022) shall be replaced by the following:
"Decides that, for an initial period of one year from the date of adoption of this resolution, all Member States shall take the necessary measures to prevent the direct or indirect supply, sale, or transfer to Haiti, from or through their territories or by their nationals, or using their flag vessels or aircraft of small arms, light weapons, and ammunition, and *further decides* that this measure shall not apply to:
 - a) The supply, sale, or transfer of small arms, light weapons, or ammunition to the UN or a UN-authorized mission or to a security unit that operates under the command of the Government of Haiti, intended to be used by or in coordination with those entities and intended solely to further the objectives of peace and stability in Haiti;
 - b) Other supplies, sales, or transfers of small arms, light weapons, and ammunition to Haiti as approved in advance by the Committee established pursuant to resolution 2653 (2022) to further the objectives of peace and stability in Haiti;"
15. *Calls on* all parties in Haiti to cooperate fully with the Multinational Security Support mission in the execution of its mandate and to respect the security and freedom of movement of the Multinational Security Support mission;
16. *Requests* the Secretary-General to establish a trust fund as a mechanism that can facilitate voluntary contributions to the Multinational Security Support mission to enable and operationalize the mandate;
17. *Affirms* the Secretary-General may provide logistical support packages to the MSS, when requested by the MSS and MSS donors, subject to the full financial reimbursement to the United Nations through available voluntary contributions, and in full respect of the United Nations Human Rights Due Diligence Policy (HRDDP);
18. *Requests* the leadership of the Multinational Security Support mission to ensure the highest standards of transparency and conduct, and to report every three months once the MSS is operational on the ground, as a part of regular reporting to the Security Council, through the Secretary-General, on the implementa-

tion of the resolution, including but not limited to composition of the mission, measures to ensure appropriate conduct and discipline, and to prevent sexual exploitation and abuse; and on investigations of allegations of misconduct and excessive use of force;

19. *Requests* the Secretary-General to provide as part of the Secretary-General's regular reporting to the Security Council, no later than nine months following adoption of this resolution, recommendations on possible adaptation of the mandate of the Multinational Security Support mission or its transformation as needed;
20. *Requests* the leadership of the Multinational Security Support mission to develop a strategy for mission conclusion and withdrawal and include information on that matter in regular reporting to the Security Council;
21. *Emphasizes* the need for Member States, United Nations organs, bodies and agencies, and other international organizations, including international financial institutions, to redouble their efforts to promote the institutional, social, and economic development of Haiti, in particular for the long-term, in order to achieve and sustain stability and combat poverty;
22. *Strongly urges* the Haitian authorities and other stakeholders to cooperate fully with the good offices of CARICOM and BINUH to reach compromise for the broadest possible consensus as soon as possible;
23. *Decides* to remain actively seized of the matter.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de resoluties zullen zijn bekendgemaakt in het gehele Koninkrijk op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zevenentwintigste* oktober 2023.

De Minister van Buitenlandse Zaken,

H.G.J. BRUINS SLOT