

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2024 Nr. 108

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 19 juli 2024 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 9689^e zitting Resolutie 2744 (2024) inzake sancties aangenomen. De Engelse tekst van de resolutie luidt:

Resolution 2744 (2024)

Adopted by the Security Council at its 9689th meeting, on 19 July 2024

The Security Council,

Recalling resolution 1730 (2006), and the relevant statements of its President,

Recalling resolution 1732 (2006) and the work done by the Informal Working Group on General Issues of Sanctions which operated from 2000 to 2006,

Emphasizing that sanctions are an important tool in the maintenance and restoration of international peace and security,

Further emphasizing the obligations placed upon all Member States to implement, in full, the mandatory measures adopted by the Security Council,

Continuing in its resolve to ensure that sanctions are carefully targeted in support of clear objectives and implemented in ways that balance effectiveness against possible adverse consequences,

Welcoming the efforts to strengthen due process and to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them as well as granting exemptions,

1. *Adopts* the delisting procedure in Annex I of this resolution, which replaces the procedure set out in resolution 1730 (2006) and will apply to delisting petitions submitted to the Focal Point on or after the date of adoption of this resolution;
2. *Directs* the sanctions committees established by the Security Council, with the exception of the Committee established pursuant to resolution 1267 (1999), to revise their guidelines accordingly;
3. *Requests* the Secretary-General, in consultation with the informal working group referred to in paragraph 5 below, to appoint the Focal Point within three months of adoption of this resolution to take over all the mandates of the original Focal Point established pursuant to resolution 1730 (2006);
4. *Expresses its intention* to keep the mandate and tasks of the Focal Point under continuous review;
5. *Establishes* an informal working group of the Security Council to examine general issues on the subject of United Nations Security Council sanctions, whose mandate and terms of reference are set out in Annex II of this resolution, and which will act by consensus; and,
6. *Decides* to remain seized of the matter.

Annex I

Delisting procedures

The Focal Point is authorized to carry out the tasks set out below upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity designated on the lists of the sanctions committees established by the Security Council ("the petitioner") with the exception of the Committee established pursuant to resolution 1267 (1999).¹⁾ Petitioners seeking to submit a request for delisting can do so either through the focal point process outlined below or through their state of residence or citizenship.²⁾

1. Upon receipt of a delisting request, the Focal Point will:
 - a) Acknowledge to the petitioner the receipt of the delisting request;
 - b) Inform the petitioner of the general procedure for processing delisting requests;
 - c) Answer specific questions from the petitioner about Committee procedures;
 - d) Inform the petitioner in case the petition fails to properly address the original designation criteria (for example, how the circumstances that led to the original designation have now changed), as set forth in the relevant resolutions of the Security Council, and return it to the petitioner for his or her consideration;
 - e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Focal Point and it does not contain any relevant additional information, return it to the petitioner for his or her consideration; and
 - f) In the case that a petition is returned pursuant to subparagraphs (d) or (e), inform the relevant Committee of the request and reasons for its return to the petitioner.

Information Gathering (up to four months)

2. For delisting petitions not returned to the petitioner, the Focal Point will immediately forward the delisting request to the members of the relevant sanctions Committee, designating State(s), and State(s) of residence and nationality or incorporation, and will ask them to provide, within four months, any appropriate additional information relevant to the delisting request. The Focal Point may engage in dialogue with these States to determine:
 - a) Their opinions on whether the delisting request should be granted; and
 - b) Information, questions or requests for clarifications that they would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.
3. The Focal Point will also forward the delisting request to any relevant Committee's groups or panel of experts or monitoring team, as well as any relevant UN envoys engaged in negotiations and peace processes relevant to the sanctions, as appropriate, and invite them to provide to the Focal Point:
 - a) All available information that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with it or with the Committee;
 - b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and
 - c) Fact-based input regarding the petitioner's role in ongoing negotiations or peace processes, if relevant to the sanctions regimes to which the petition relates; and,
 - d) Questions or requests for clarifications that the panel of experts or relevant entity referred to above would like asked of the petitioner regarding the delisting request.
4. At the end of this period of information gathering, which should be completed within four months, the Focal Point will present a written update to the relevant Committee on progress to date, including details regarding which States or other entities referred to in paragraphs 2 and 3 have been consulted and have supplied information, and any significant challenges encountered therein. The Focal Point may extend this period once for up to two months if any State or entity referred to in paragraphs 2 and 3 above indicates that more time is required for information gathering. Should the Focal Point assess that more time is needed, taking into account any requests made by a relevant State or entity, he or she may request additional time from the relevant Committee, to the extent necessary having provided clarification for the request.

¹⁾ Petitions submitted before the date of the adoption of this resolution are, pursuant to paragraph 1 thereof, to be completed under the procedure set out in resolution 1730 (2006). Petitioners who have not yet received a decision on such petitions may, however, elect to withdraw their petitions without prejudice and resubmit them for consideration under the procedure set out in this annex; the [Secretariat] will notify such petitioners of the change in the role of the Focal Point, the new procedure set out in this annex, and of the possibility of resubmitting their delisting request as described herein. The Secretariat may also, in the period between the date of adoption of this resolution and the date of the appointment of the new Focal Point, inform petitioners who avail themselves of the opportunity to resubmit their petitions for processing under the revised procedure to the effect that the Focal Point's appointment is pending, and advise them that the revised procedures will begin to be applied once this appointment is effective.

²⁾ A State can decide, that as a rule, its citizens or residents should address their delisting requests directly to the focal point. The State will do so by a declaration addressed to the Chairman of the Committee that will be published on the Committee's website.

Dialogue (two months)

5. Upon completion of the information gathering period, the Focal Point will facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Focal Point may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below.
6. During this period of engagement, the Focal Point:
 - a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee, and entities referred to in paragraphs 2 and 3;
 - b) Will forward replies from the petitioner back to relevant States and entities referred to in paragraphs 2 and 3, and follow up with the petitioner in connection with incomplete responses by the petitioner; and
 - c) May conduct further engagement as appropriate, including meeting with the petitioner, and encourages the use of virtual meetings and online platforms to increase efficiency and timeliness of interacting with the petitioner.
7. Upon completion of the period of engagement and dialogue described above, the Focal Point will draft and circulate to the relevant sanctions Committee, as well as any relevant State as referred to in paragraph 2, a confidential Comprehensive Report that will exclusively:
 - a) Summarize all information available to the Focal Point (including, as appropriate, the Focal Point's research using public sources) that is relevant to the delisting request, while respecting confidential elements of communications with the Focal Point. The Focal Point's summary should include the principal arguments in respect of the delisting petition, based on the information gathered, in order to assist the Committee with its decision;³⁾
 - b) Describe the Focal Point's activities with respect to this delisting request, including information gathering and any dialogue with the petitioner; and,
 - c) Include fact-based observations in relation to relevant criteria such as:
 - (i) how the circumstances that led to the original designation have changed; and/or
 - (ii) the petitioner's disassociation from past conduct; and/or
 - (iii) the factual accuracy of claims made by the petitioner in their delisting petition.
8. The Focal Point will also inform the petitioner that a Comprehensive Report has been drafted and circulated to the relevant sanctions Committee for its review and consideration.

Committee Discussion and Decision (two months)

9. After the Comprehensive Report has been circulated to the relevant sanctions Committee, the Chair of the Committee will place the delisting request on the Committee's agenda for discussion. The Focal Point will, upon invitation by the relevant sanctions Committee, present the Comprehensive Report in person and answer Committee members' questions regarding the delisting request. If thereafter any member of the relevant sanctions Committee, or relevant State(s) as referred to in paragraph 2, recommends that the delisting proceeds, the Chair will immediately submit the delisting request to the Committee for a decision.
10. As described in paragraph 9, if a relevant State or member of the relevant sanctions Committee recommends the delisting proceed, the Committee will decide whether to approve the delisting request through its normal decision-making procedures. In the event that the delisting request is not submitted to the Committee for a decision within two months of the Comprehensive Report having been circulated to the Committee, this will be deemed a rejection of the delisting request and the Chair will immediately inform the Focal Point that the request has been rejected.
11. If the relevant sanctions Committee grants the delisting request, then the Chair of the Committee will inform the Focal Point of this decision. The Focal Point will then inform the petitioner of this decision and the listing will be removed from the Consolidated List and relevant lists.
12. If the Committee rejects the delisting request, then the Chair of the Committee will inform the Focal Point of this decision, in addition to, and subject to the Committee's ordinary decision-making procedures, its reasons, where appropriate, and any other relevant information about the Committee's decision; a redacted version of the Comprehensive Report deemed releasable to the petitioner; and any updated narrative summary of reasons for listing, as appropriate.
13. After the Committee has informed the Focal Point that the Committee has rejected a delisting request in accordance with paragraph 10, the Focal Point will send to the petitioner within fifteen days a letter that:
 - a) Communicates the Committee's decision for continued listing;
 - b) Describes, to the extent possible and drawing upon the Focal Point's Comprehensive Report, the process and publicly releasable factual information gathered by the Focal Point; and,
 - c) Forwards from the Committee reasons or any other relevant information which the Chair may enclose with its decision in accordance with paragraph 12. In the event that a delisting request is deemed rejected in accordance with paragraph 12, the Focal Point will inform the petitioner accordingly. In the

³⁾ The summary is distinct from a recommendation. The Focal Point will not make a recommendation on the petition.

event that the Committee, through the Chair, provides reasons for rejection but advises the Focal Point that these are not publicly releasable, the Focal Point will likewise inform the petitioner.

14. In all communications with the petitioner, the Focal Point will respect the confidentiality of Committee deliberations and confidential communications between the Focal Point and Member States and any other relevant entities.

Other Focal Point Tasks

15. In addition to the tasks specified above, the Focal Point will:
 - a) Notify listed individuals or entities about any change in the status of their listings, after the Secretariat has officially notified the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known, including the address of the listed individual or entity);
 - b) Submit biannual reports summarizing the activities of the Focal Point to the Security Council;
 - c) Propose technical amendments, as appropriate, for the relevant sanctions Committee's consideration to update its narrative summaries for listed individuals and entities following rejection of delisting requests submitted via the Focal Point;
 - d) Be able to receive, and transmit to the relevant sanctions Committee for its consideration, communications from individuals claiming to have been subjected to the sanctions measures by the relevant sanctions Committee as a result of false or mistaken identity or confusion with individuals included on a Committee's sanctions list.

Annex II

Terms of reference of the Informal Working Group of the Security Council on General United Nations Security Council Sanctions Issues

I. Title and composition

1. The Informal Working Group of the Security Council on General United Nations Security Council Sanctions Issues ("the Informal Working Group") consists of all members of the Security Council.
2. The Chair of the Informal Working Group is designated by members of the Security Council.

II. Meetings

3. The Informal Working Group will meet at least bi-annually to examine the issues set out in its mandate.
4. At least five working days' notice will be given for any meeting of the Informal Working Group.
5. The Informal Working Group will meet in closed meetings. Discussions of the informal working group will be confidential. The Chair of the Informal Working Group may invite with the consent of all members, the participation and cooperation of any Member State of the United Nations, inter alia neighboring countries and other countries and parties concerned, national Governments, regional and other international organizations, and/or relevant United Nations and civil society actors, including at the country level as well as private sector and non-government actors in the discussion of any question brought before the Informal Working Group, in particular when a Member State is specifically concerned. The Informal Working Group may also invite with the consent of all members of the Informal Working Group, members of the Secretariat, sanctions expert groups or other persons, whom it considers competent for the purpose, to supply it with appropriate expertise or information or to give it other assistance in examining matters within its competence.

III. Mandate

6. The Informal Working Group will examine, inter alia, the following general issues, with a view to improving the effectiveness of sanctions imposed by the United Nations, and without prejudice to the work of relevant bodies under specific sanctions resolutions:
 - a) The Focal Point mechanism, including consultations with the Secretary- General regarding the appointment thereof, review of its biannual reports, and dialogue with the Focal Point and other relevant parties with a view to monitoring and improving the mechanism's operations;
 - b) Good practices of working methods of sanctions Committees and inter-Committee coordination as well as coordination between sanctions Committees and their panel/group/team of experts within the United Nations system and cooperation with, inter alia, Member States of the United Nations and regional and other international organizations, and general criteria regarding the appointment and continuation of well-qualified experts;
 - c) Best practices on the design, implementation, and assessment of sanctions, including good practices on combining sanctions with other UN Security Council responses to threats to international peace and security, and improving monitoring arrangements to enhance the efficacy and effectiveness of sanctions;

- d) Assessing and identifying options for strengthening Member States' capacity to address gaps in connection with implementing UN Security Council sanctions, as well as reviewing generally the implementation of UN Security Council sanctions;
 - e) General practices of usage and implementation of exemption measures and sustaining efforts to mitigate unintended humanitarian consequences.
7. The Informal Working Group may, in the course of conducting its work, request information from the relevant Departments of the Secretariat and reports from the Secretary-General in respect of issues pertinent to United Nations sanctions.

IV. Methods of work

- 8. The Informal Working Group will operate by consensus. If consensus cannot be reached on a particular issue, the Chair should undertake such further consultations as may facilitate consensus.
- 9. The Informal Working Group may elaborate guidelines to further refine its working methods.
- 10. The Chair will provide brief annual updates to the Security Council on the activities of the Informal Working Group. The Chair will also submit a written report at least once a year on the activities and recommendations of the Informal Working Group to the Security Council. Recommendations of the Informal Working Group to the Security Council do not prejudice the Council's decisions thereon.
- 11. The Security Council will keep the mandate of the Informal Working Group under continuous review.
- 12. In order to enhance the transparency of the work of the Informal Working Group, the Chair will hold annual open briefings for interested Member States.

Op 30 juli 2024 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 9695^e zitting Resolutie 2745 (2024) inzake de Centraal-Afrikaanse Republiek aangenomen. De Engelse tekst van de resolutie luidt:

Resolution 2745 (2024)

Adopted by the Security Council at its 9695th meeting, on 30 July 2024

The Security Council,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the CAR, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation,

Highlighting its decision in this resolution to fully lift the arms embargo on the CAR established under resolution 2127 (2013) as amended, and *emphasising*, for the avoidance of doubt, that there is no more arms embargo on the Government of the CAR,

Expressing particular concern about reports of illicit transnational trafficking networks which continue to fund and supply armed groups and associated individuals operating in the CAR, *noting* in particular the use of explosive ordnances, including improvised explosive devices (IEDs), and landmines, which account for civilian casualties as well as the destruction of civilian properties and continue to disrupt humanitarian access, and *strongly condemning* human rights abuses and violations, as well as violations of international humanitarian law,

Condemning cross-border criminal activities, such as arms trafficking, illicit trade, illegal exploitation, and trafficking of natural resources, including gold, diamonds, timber, and wildlife, as well as the illicit transfer, destabilising accumulation and misuse of small arms and light weapons, that threaten the peace and stability of the CAR and impact on the security of the region, also *condemning* the use of mercenaries and violations of international humanitarian law and human rights violations and abuses perpetrated by them, and *emphasising* that active and close collaboration between the CAR and neighbouring countries is essential to secure its borders and other entry points to prevent the cross-border flows of armed combatants, arms and conflict minerals,

Expressing concern about the impact of the crisis in Sudan on the humanitarian, food security and security situation in neighbouring countries in general and in the CAR in particular, causing a significant influx of returnees and refugees within the CAR, intensifying humanitarian needs, and increasing the movement of arms and combatants in border areas, and *emphasising* the obligations under international humanitarian law, in particular the rapid, safe and unhindered passage for humanitarian relief to the population in need,

Taking note of the launch of the 10-year action plan and the border management policy and activities by CAR's National Border Management Commission,

Stressing that the measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population, *recalling* resolution 2664 (2022), and *emphasising* that any sustainable solution should prioritise reconciliation, including through an inclusive process that involves men and women of all social, economic, political, religious and ethnic backgrounds, including those displaced by the crisis,

Recalling the need for States to 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,

Recognising the need to safeguard due process, and to ensure fair and clear procedures for delisting individuals and entities designated pursuant to resolution 2127 (2013) and subsequent resolutions, and *welcoming* the adoption of resolution 2744 (2024) enhancing the mandate and procedure of the Focal Point for Delisting,

Taking note of the Secretary-General's letter dated 15 May 2024 addressed to the President of the Security Council (S/2024/391) consistent with paragraph 14 of resolution 2693 (2023) and of the CAR authorities' report addressed on 15 May 2024 to the Sanctions Committee pursuant to resolution 2127 (2013) ("the Committee") consistent with paragraph 13 of resolution 2693 (2023),

Further taking note of the final report (S/2024/444) of the Panel of Experts established pursuant to resolution 2127 (2013) ("the Panel of Experts"), and *taking note* also of the Panel of Experts' recommendations,

Determining that armed groups operating in the CAR constitute a threat to international peace and security in the region,

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

1. *Decides* to lift the arms embargo on the CAR established under resolution 2127 (2013) as amended and extended by resolution 2693 (2023);
2. *Decides* that, until 31 July 2025, all Member 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 related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned to armed groups and associated individuals operating in the CAR, including prohibiting technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel;
3. *Decides* to authorise all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 2 of this resolution, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 2 of this resolution, *decides* that the Member State who seizes and disposes (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) of such items shall notify the Committee of such disposal within 30 days providing details of all items disposed of and the precise manner in which they were disposed of, and *decides further* that all Member States shall cooperate in such efforts;
4. *Decides* to renew until 31 July 2025 the measures and provisions as set out in paragraphs 9, 14, and 16 to 19 of resolution 2399 (2018) and extended by paragraph 4 of resolution 2536 (2020) and *recalls* paragraphs 10 to 13 and 15 of resolution 2399 (2018);
5. *Reaffirms* that the measures described in paragraphs 9 and 16 of resolution 2399 (2018) shall apply to individuals and entities as designated by the Committee, as set forth in paragraphs 20 to 22 of resolution 2399 (2018), extended by paragraph 5 of resolution 2693 (2023) and taking into account the decision imposed by the present resolution in OP1 to lift the arms embargo established pursuant to resolution 2127 (2013) and the decision taken in OP2 regarding armed groups and associated individuals operating in the CAR, including for involvement in planning, directing, sponsoring or committing acts in the CAR that undermine efforts for a return to peace and violate international humanitarian law, which include attacks against medical personnel or humanitarian personnel, as well as acts involving sexual and gender-based violence, and *recalls* paragraph 1 of resolution 2664 (2022);
6. *Decides* to extend until 31 August 2025 the mandate of the Panel of Experts, to henceforth be known as the Panel of Experts pursuant to resolution 2745 (2024), as set out in paragraphs 30 to 39 of resolution 2399 (2018) and extended by paragraph 6 of resolution 2693 (2023), *expresses* its intention to review the mandate to pay particular attention to analysing the transnational supply networks of armed groups in the CAR and take appropriate action regarding its further extension no later than 31 July 2025, and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to allow the Panel of Experts to pursue its work without interruptions, in consultation with the Committee, drawing, as appropriate, on the expertise of the current members of the Panel of Experts;
7. *Requests* the Panel of Experts to provide to the Council, after discussion with the Committee, a midterm report no later than 31 January 2025, a final report no later than 15 June 2025, and progress updates, as appropriate;
8. *Strongly condemns* attacks and human rights abuses committed by armed groups, and *requests* the Panel, in the course of carrying out its mandate, to propose or update further statements of cases for possible designation pursuant to paragraphs 20 to 21 of resolution 2399 (2018) taking into account the decision imposed by the present resolution in OP1 to lift the arms embargo established pursuant to resolution 2127 (2013) and the decision taken in OP2 regarding armed groups and associated individuals operating in the CAR;

9. *Requests* the Panel, in the course of carrying out its mandate, to devote special attention to the analysis of illicit transnational trafficking networks which continue to fund and supply armed groups in the CAR and threats relating to explosive ordnances, in cooperation with experts from the subregional communities (ICGLR and ECCAS), UNOCA, UNMAS, as well as with other Panels or Groups of Experts established by the Security Council as appropriate;
10. *Urges* all parties, and all Member States, as well as international, regional and subregional organisations to ensure cooperation with the Panel of Experts and the safety of its members;
11. *Further urges* all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate and recalls the value of information-sharing between MINUSCA and the Panel of Experts;
12. *Reaffirms* the Committee provisions and the reporting and review provisions as set out in resolution 2399 (2018), and *decides* that it shall henceforth be known as the Committee pursuant to resolution 2745 (2024);
13. *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 zesde september 2024.

De Minister van Buitenlandse Zaken,

C.C.J. VELDKAMP