

1 (1945) Nr. 50

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2009 Nr. 70

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A. TITEL

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

B. TEKST

De Engelse tekst van het Handvest is bij Koninklijk Besluit van 21 december 1945 bekendgemaakt in *Stb.* F 321.

De Engelse en de Franse tekst, zoals gewijzigd, zijn geplaatst in *Trb.* 1979, 37.

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Op 2 juni 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 5902<sup>e</sup> zitting aangenomen Resolutie 1816 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1816 (2008)**

**Adopted by the Security Council at its 5902nd meeting on  
2 June 2008**

The Security Council,

Recalling its previous resolutions and the statements of its President concerning the situation in Somalia,

Gravely concerned by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation,

Expressing its concerns at the quarterly reports from the International Maritime Organization (IMO) since 2005, which provide evidence of continuing piracy and armed robbery in particular in the waters off the coast of Somalia,

Affirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery, as well as other ocean activities,

Reaffirming the relevant provisions of international law with respect to the repression of piracy, including the Convention, and recalling that they provide guiding principles for cooperation to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state, including but not limited to boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy, and to apprehending persons engaged in such acts with a view to such persons being prosecuted,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia’s territorial waters,

Deploring the recent incidents of attacks upon and hijacking of vessels in the territorial waters and on the high seas off the coast of Somalia including attacks upon and hijackings of vessels operated by the World Food Program and numerous commercial vessels and the serious adverse impact of these attacks on the prompt, safe and effective delivery of food aid and other humanitarian assistance to the people of Somalia, and the grave dangers they pose to vessels, crews, passengers, and cargo,

Noting the letters to the Secretary-General from the Secretary-General of the IMO dated 5 July 2007 and 18 September 2007 regarding the piracy problems off the coast of Somalia and the IMO Assembly resolution A.1002 (25), which strongly urged Governments to increase their efforts to prevent and repress, within the provisions of international law, acts of piracy and armed robbery against vessels irrespective of where such acts occur, and recalling the joint communiqué of the IMO and the World Food Programme of 10 July 2007,

Taking note of the Secretary-General’s letter of 9 November 2007 to the President of the Security Council reporting that the Transitional Fed-

eral Government of Somalia (TFG) needs and would welcome international assistance to address the problem,

Taking further note of the letter from the Permanent Representative of the Somali Republic to the United Nations to the President of the Security Council dated 27 February 2008, conveying the consent of the TFG to the Security Council for urgent assistance in securing the territorial and international waters off the coast of Somalia for the safe conduct of shipping and navigation,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

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

1. Condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;

2. Urges States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, encourages, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the TFG;

3. Urges all States to cooperate with each other, with the IMO and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law;

4. Further urges States to work in cooperation with interested organizations, including the IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion, and defensive techniques and to avoid the area whenever possible;

5. Calls upon States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines;

6. Affirms that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

7. Decides that for a period of six months from the date of this resolution, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

8. Requests that cooperating states take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

9. Affirms that the authorization provided in this resolution applies only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member states under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that it shall not be considered as establishing customary international law, and affirms further that this authorization has been provided only following receipt of the letter from the Permanent Representative of the Somalia Republic to the United Nations to the President of the Security Council dated 27 February 2008 conveying the consent of the TFG;

10. Calls upon States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 above;

11. Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators or piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

12. Requests States cooperating with the TFG to inform the Security Council within 3 months of the progress of actions undertaken in the exercise of the authority provided in paragraph 7 above;

13. Requests the Secretary-General to report to the Security Council within 5 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

14. Requests the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal states, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

15. Expresses its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 7 above for additional periods upon the request of the TFG;

16. Decides to remain seized of the matter.

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Op 7 oktober 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 5987<sup>e</sup> zitting aangenomen Resolutie 1838 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1838 (2008)**

**Adopted by the Security Council at its 5987th meeting, on  
7 October 2008**

The Security Council,

Recalling its resolutions 1814 (2008) and 1816 (2008),

Gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to fishing activities conducted in conformity with international law,

Noting with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia, using long-range assets such as mother ships, and demonstrating more sophisticated organization and methods of attack,

Reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Commending the contribution made by some States since November 2007 to protect the World Food Programme (“WFP”) maritime convoys, and, the establishment by the European Union of a coordination unit with the task of supporting the surveillance and protection activities car-

ried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation, as well as other international or national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Noting recent humanitarian reports that as many as three-and-a-half million Somalis will be dependent on humanitarian food aid by the end of the year, and that maritime contractors for the WFP will not deliver food aid to Somalia without naval warship escorts, expressing its determination to ensure long-term security of WFP deliveries to Somalia and recalling that it requested the Secretary-General in resolution 1814 (2008) to provide his support for efforts to protect WFP maritime convoys,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Taking note of the letter dated 1 September 2008 of the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the Transitional Federal Government (“TFG”) to the Security Council for its assistance and expressing the TFG’s willingness to consider working with other States, as well as regional organizations, to provide advance notifications additional to those already provided, in accordance with paragraph 7 of resolution 1816 (2008), to combat piracy and armed robbery at sea off the coast of Somalia,

Recalling that in the statement of its President dated 4 September 2008 (S/PRST/2008/33) it welcomed the signing of a peace and reconciliation agreement in Djibouti and commended the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould-Abdallah, for his ongoing efforts, and emphasizing the importance of promoting a comprehensive and lasting settlement in Somalia,

Recalling also that in the statement of its President dated 4 September (S/PRST/2008/33) it took note of the parties’ request in the Djibouti Agreement that the United Nations, within a period of 120 days, authorize and deploy an international stabilization force and looking forward to the Secretary-General’s report due 60 days from its passage, in particular a detailed and consolidated description of a feasible multinational force, as well as a detailed concept of operations for a feasible United Nations peacekeeping operation,

Emphasizing that peace and stability, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat against international peace and security in the region,

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

1. Reiterates that it condemns and deplures all acts of piracy and armed robbery at sea against vessels off the coast of Somalia;

2. Calls upon States interested in the security of maritime activities to take part actively in the fight against piracy on the high seas off the coast of Somalia, in particular by deploying naval vessels and military aircraft, in accordance with international law, as reflected in the Convention;

3. Calls upon States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the Convention, for the repression of acts of piracy;

4. Urges States that have the capacity to do so to cooperate with the TFG in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008);

5. Urges also States and regional organizations, in conformity with the provisions of resolution 1814 (2008), to continue to take action to protect the World Food Programme maritime convoys, which is vital to bring humanitarian assistance to the affected populations in Somalia;

6. Urges States, as requested in particular by International Maritime Organization resolution (“IMO”) A-1002(25), to issue to ships entitled to fly their flag, as necessary, advice and guidance on appropriate precautionary measures to protect themselves from attack or actions to take if under attack or the threat of attack when sailing in waters off the coast of Somalia;

7. Calls upon States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 above;

8. Affirms that the provisions in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of member States under international law, including any rights or obligations under the Convention, with respect to any situation, and underscores in particular that this resolution shall not be considered as establishing customary international law;

9. Looks forward to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and expresses its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. Decides to remain seized of the matter.

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Op 29 oktober 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6004<sup>e</sup> zitting aangenomen Resolutie 1842 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1842 (2008)**

**Adopted by the Security Council at its 6004th meeting, on  
29 October 2008**

The Security Council,

Recalling its previous resolutions and the statements of its President relating to the situation in Côte d'Ivoire, in particular resolutions 1782 (2007) and 1826 (2008),

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

Taking note of the report of the Secretary-General dated 14 October 2008 (S/2008/645) and of the reports of the United Nations Group of Experts on Côte d'Ivoire dated 14 April 2008 (S/2008/235) and 15 October 2008 (S/2008/598),

Emphasizing the continued contribution to Côte d'Ivoire's stability, in particular in the context of the forthcoming presidential elections, of the measures imposed by resolution 1572 (2004) and 1643 (2005),

Recalling that in its resolution 1782 (2007), it welcomed the initial measures to implement the Ouagadougou Political Agreement and recalling also that in its resolution 1826 (2008) it encouraged in particular the Ivorian parties to remove the remaining logistical obstacles that impeded the identification of the population and the registration of voters,

Welcoming in this regard the official launching of the identification and registration of voters operations on the 15 September 2008 and urging the Ivorian parties to take all the necessary steps to complete these operations,



Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of cases of human rights violations against civilians, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1612 (2005) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflict,

Recalling that the Committee established by paragraph 14 of resolution 1572 (2004) (the Committee) will consider and decide upon requests for the exemptions set out in paragraphs 8, 10 and 12 of resolution 1572 (2004) which are submitted in accordance with the guidelines adopted by the Committee, and expressing the availability of the Committee and of the Group of Experts to give technical explanations as may be needed,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

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

1. Decides to renew until 31 October 2009 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

2. Decides to review the measures renewed in paragraph 1 above in light of the progress achieved in the implementation of the key steps of the peace process and of the progress of the electoral process, as referred to in resolution 1826 (2008), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1 above:

a) A review of the measures renewed in paragraph 1 above no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards; or

b) A midterm review no later than 30 April 2009 if no review has been scheduled on the basis of paragraph 2 (a) of this resolution at that date;

3. Calls upon the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by taking the necessary rules and regulations and calls also upon the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces which support it to bring their full support in particular to the implementation of the measures on arms renewed in paragraph 1,

within their capacities and respective mandates, as determined in resolution 1739 (2007) and renewed in resolution 1826 (2008);

4. Reiterates its demand in particular that the Ivorian authorities take the necessary measures to put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004) including those violations mentioned by the Group of Experts in its reports dated 21 September 2007 (S/2007/611) and 15 October 2008 (S/2008/598);

5. Reiterates also its demand that the Ivorian parties to the Ouagadougou Political Agreement, in particular the Ivorian authorities, provide unhindered access, particularly to the Group of Experts established pursuant to paragraph 9 of resolution 1643 (2005), to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), when appropriate without notice and including those under the control of Republican guard units, and to UNOCI and the French forces which support it in order to carry out their respective mandates as set out in paragraphs 2 and 8 of resolution 1739 (2007) and renewed in resolution 1826 (2008);

6. Decides that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

7. Decides that any serious obstacle to the freedom of movement of UNOCI and of the French forces which support it, or any attack or obstruction of the action of UNOCI, of the French forces, of the Special Representative of the Secretary-General, of the Facilitator mentioned in paragraph 10 of resolution 1765 (2007) or his Special Representative in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

8. Requests the Secretary-General and the French Government to report to it immediately, through the Committee, any serious obstacle to the freedom of movement of UNOCI and of the French forces which support it, including the names of those responsible, and requests also the Secretary-General and the Facilitator to report to it immediately, through the Committee, any attack or obstruction of their action or the action of the special Representatives mentioned in paragraph 6 above;

9. Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee, and authorizes the Committee to request whatever further information it may consider necessary;

10. Decides to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2009 and requests the Secretary-General to take the necessary administrative measures;

11. Requests the Group of Experts to provide a midterm report to the Committee by 15 April 2009 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard;

12. Requests the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

13. Requests also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

14. Requests also the Kimberley Process to communicate as appropriate to the Security Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds;

15. Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above;

16. Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

b) Attacking or obstructing the action of UNOCI, of the French forces which support it, of the Special Representative of the Secretary-General, of the Facilitator or his Special Representative in Côte d'Ivoire;

c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;

d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;

e) Inciting publicly hatred and violence;

f) Acting in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

17. Decides to remain actively seized of the matter.

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Op 20 november 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6019<sup>e</sup> zitting aangenomen Resolutie 1844 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1844 (2008)**

**Adopted by the Security Council at its 6019th meeting, on  
20 November 2008**

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 751 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1519 (2003), resolution 1676 (2006), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), and resolution 1814 (2008), and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), and 14 June 2007 (S/PRST/2007/19), and recalling also its resolution 1730 (2006) on general issues relating to sanctions,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Underlining the importance of providing and maintaining stability and security throughout Somalia,

Reaffirming its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressing its concern at all acts intended to prevent or block a peaceful political process,

Expressing its grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noting the role piracy may play in financing embargo violations by armed groups, as described in the statement of 9 October 2008 by the Chairman of the Committee established pursuant to resolution 751 (1992) (hereinafter "the Committee") to the Security Council,

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and reiterating its demand that all Member States, in particular those in the region, comply fully with the requirements of these resolutions,

Recalling its intention, outlined in paragraph 6 of resolution 1814 (2008), to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the Transitional Federal Institutions (TFIs) of Somalia or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region,

Further recalling its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, outlined in paragraph 7 of resolution 1814 (2008), and to take measures against those who breach the arms embargo, and those who support them in doing so,

Recalling also its request, outlined in paragraphs 6 and 7 of resolution 1814 (2008), to the Committee to provide recommendations on specific targeted measures to be imposed against such individuals or entities,

Taking note of the letter of 1 August 2008 from the Vice-Chairman of the Committee to the President of the Security Council,

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

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

1. Decides that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

2. Decides that the measures imposed by paragraph 1 above shall not apply:

a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;

3. Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are pre-

vented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

4. Decides that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

a) 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 exclusively 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 State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

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

c) to be the subject of a judicial, administrative or arbitral 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 into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

5. Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

6. Reaffirms the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

7. Decides that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;

8. Decides that the provisions of paragraphs 1, 3 and 7 above shall apply to individuals, and that the provisions of 3 and 7 above shall apply to entities, designated by the Committee;

a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above;

c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

9. Decides that the measures outlined in paragraphs 1, 3 and 7 above cease to apply in respect of such individuals or entities if, and at such time as the Committee removes them from the list of designated individuals and entities;

10. Underlines the importance of co-ordination by the Committee with other United Nations Sanctions Committees and with the Special Representative of the Secretary-General;

11. Decides further to expand the mandate of the Committee as set out in resolution 751(1992) to include the following tasks:

a) to monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003), implementation of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

b) to seek from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 3 and 7 above and whatever further information it may consider useful in this regard;

c) to examine information regarding alleged violations of measures imposed by paragraphs 1, 3 and 7 above, paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002), and take appropriate action if necessary;

d) to designate individuals and entities pursuant to paragraphs 3 and 8 above, upon the request of Member States as referred to in paragraph 12 below;

e) to consider and decide upon requests for exemptions set out in paragraphs 2 and 4 above;

f) to review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 3 and 8 above, 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 becomes available;

g) to report at least every 120 days to the Security Council on its work and on the implementation of this resolution, with its observa-

tions and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 1, 3 and 7 above;

h) to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 3, and 7 above and to determine the appropriate course of action on each case, and requests the Chairman, in periodic reports to the Council pursuant to paragraph 11 (g) above to provide progress reports on the Committee's work on this issue;

i) to amend its existing guidelines to facilitate the implementation of the measures imposed by this resolution and keep these guidelines under active review as may be necessary;

#### *Listing*

12. Encourages Member States to submit to the Committee for inclusion on its list of designees, names of individuals or entities who meet the criteria set out in paragraph 8 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

13. Decides that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 14 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

14. Directs the Committee in coordination with the relevant designating States and with the assistance of the Monitoring Group, after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing;

15. Decides that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the Permanent Mission of the country or countries 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) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering delisting requests, and the provisions regarding available exemptions;

16. Demands that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the



listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 15 above;

17. Encourages Member States receiving notification as in paragraph 15 above to inform the Committee on steps they have taken to implement the measures set out in paragraphs 1, 3 and 7 above;

#### *Delisting*

18. Welcomes the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

19. Urges designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

20. Directs the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to this resolution;

21. Decides that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the Permanent Mission of the country or countries 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), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

22. Encourages the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

23. Decides that the mandate of the Monitoring Group, as set out in paragraph 3 of resolution 1811 (2008) shall also include the tasks outlined below:

a) to assist the Committee in monitoring implementation of this resolution by providing any information on violations, of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

b) to include in its reports to the Committee any information relevant to the Committee's designation of the individuals and entities described in paragraph 8 above;

c) to assist the Committee in compiling narrative summaries referred to in paragraph 14 above;

24. Reminds all Member States of their obligation to implement strictly the measures imposed by this and all relevant resolutions;

25. Decides that all Member States shall report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 above;
26. Decides to review the measures outlined in paragraphs 1, 3 and 7 above, within 12 months;
27. Decides to remain actively seized of the matter.

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Op 2 december 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6026<sup>e</sup> zitting aangenomen Resolutie 1846 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1846 (2008)**

**Adopted by the Security Council at its 6026th meeting, on  
2 December 2008**

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008) and 1838 (2008),

Continuing to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (“TFG”) to interdict pirates or patrol and secure either the international sea lanes off the coast of Somalia or Somalia’s territorial waters,

Taking note of the requests from the TFG for international assistance to counter piracy off its coasts, including the 1 September 2008 letter from the President of Somalia to the Secretary-General of the United Nations expressing the appreciation of the TFG to the Security Council

for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, the 20 November 2008 letter conveying the request of the TFG that the provisions of resolution 1816 (2008) be renewed, and the 20 November request of the Permanent Representative of Somalia before the Security Council that the renewal be for an additional 12 months,

Further taking note of the letters from the TFG to the Secretary-General providing advance notification with respect to States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia and from other Member States to the Security Council to inform the Council of their actions, as requested in paragraphs 7 and 12 of resolution 1816 (2008), and encouraging those cooperating States, for which advance notification has been provided by the TFG to the Secretary-General, to continue their respective efforts,

Expressing again its determination to ensure the long-term security of World Food Programme (WFP) maritime deliveries to Somalia,

Recalling that in its resolution 1838 (2008) it commended the contribution made by some States since November 2007 to protect (WFP) maritime convoys, and the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, as well as other international and national initiatives taken with a view to implementing resolutions 1814 (2008) and 1816 (2008),

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a full eradication of piracy and armed robbery at sea off the coast of Somalia,

Welcoming the signing of a peace and reconciliation Agreement ("the Djibouti Agreement") between the TFG and the Alliance for the Liberation of Somalia on 19 August 2008, as well as their signing of a joint ceasefire agreement on 26 October 2008, noting that the Djibouti Agreement calls for the United Nations to authorize and deploy an international stabilization force, and further noting the Secretary-General's report on Somalia of 17 November 2008, including his recommendations in this regard,

Commending the key role played by the African Union Mission to Somalia (AMISOM) in facilitating delivery of humanitarian assistance to Somalia through the port of Mogadishu and the contribution that

AMISOM has made towards the goal of establishing lasting peace and stability in Somalia, and recognizing specifically the important contributions of the Governments of Uganda and Burundi to Somalia,

Welcoming the organization of a ministerial meeting of the Security Council in December 2008 to examine ways to improve international coordination in the fight against piracy and armed robbery off the coast of Somalia and to ensure that the international community has the proper authorities and tools at its disposal to assist it in these efforts,

Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

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

1. Reiterates that it condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;
2. Expresses its concern over the finding contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy off the coast of Somalia;
3. Welcomes the efforts of the International Maritime Organization (“IMO”) to update its guidance and recommendations to the shipping industry and to Governments for preventing and suppressing piracy and armed robbery at sea and to provide this guidance as soon as practicable to all Member States and to the international shipping community operating off the coast of Somalia;
4. Calls upon States, in cooperation with the shipping industry, the insurance industry and the IMO, to issue to ships entitled to fly their flag appropriate advice and guidance on avoidance, evasion, and defensive techniques and measures to take if under the threat of attack or attack when sailing in the waters off the coast of Somalia;
5. Further calls upon States and interested organizations, including the IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines;
6. Welcomes initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia pursuant to resolutions 1814 (2008), 1816 (2008) and 1838 (2008), the decision by the North Atlantic Treaty Organization (NATO) to counter piracy off the Somalia coast, including by escorting vessels of the WFP, and in particular the

decision by the EU on 10 November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia;

7. Calls upon States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, the IMO, the international shipping community, flag States, and the TFG;

8. Requests the Secretary-General to present to it a report, no later than three months after the adoption of this resolution, on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia;

9. Calls upon States and regional organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and relevant international law, by deploying naval vessels and military aircraft, and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery off the coast of Somalia, or for which there is reasonable ground for suspecting such use;

10. Decides that for a period of 12 months from the date of this resolution States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea;

11. Affirms that the authorizations provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been provided only following the receipt of the 20 November letter conveying the consent of the TFG;

12. Affirms that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 above which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

13. Requests that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorization in paragraph 10 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

14. Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such victims and witnesses and persons detained as a result of operations conducted under this resolution;

15. Notes that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Convention”) provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation; urges States parties to the SUA Convention to fully implement their obligations under said Convention and cooperate with the Secretary-General and the IMO to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

16. Requests States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authority provided in paragraph 10 above;

17. Requests the Secretary-General to report to the Security Council within 11 months of adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery in territorial waters and the high seas off the coast of Somalia;

18. Requests the Secretary-General of the IMO to brief the Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. Expresses its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 10 above for additional periods upon the request of the TFG;

20. Decides to remain seized of the matter.

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Op 16 december 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6046<sup>e</sup> zitting aangenomen Resolutie 1851 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1851 (2008)**

**Adopted by the Security Council at its 6046th meeting, on  
16 December 2008**

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), and 1846 (2008),

Continuing to be gravely concerned by the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of Somalia in the last six months, and by the threat that piracy and armed robbery at sea against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, and noting that pirate attacks off the coast of Somalia have become more sophisticated and daring and have expanded in their geographic scope, notably evidenced by the hijacking of the M/V Sirius Star 500 nautical miles off the coast of Kenya and subsequent unsuccessful attempts well east of Tanzania,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the lack of capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol and secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letter of 9 December 2008 from the President of Somalia requesting the international community to assist the TFG in taking all necessary measures to interdict those who use Somali territory and airspace to plan, facilitate or undertake acts of piracy and armed robbery at sea, and the 1 September 2008 letter from the President of Somalia to the Secretary-General of the UN expressing the appreciation of the TFG to the Security Council for its assistance and expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery off the coast of Somalia,

Welcoming the launching of the EU operation Atalanta to combat piracy off the coast of Somalia and to protect vulnerable ships bound for Somalia, as well as the efforts by the North Atlantic Treaty Organization, and other States acting in a national capacity in cooperation with the TFG to suppress piracy off the coast of Somalia,

Also welcoming the recent initiatives of the Governments of Egypt, Kenya, and the Secretary-General's Special Representative for Somalia, and the United Nations Office on Drugs and Crime (UNODC) to achieve effective measures to remedy the causes, capabilities, and incidents of piracy and armed robbery off the coast of Somalia, and emphasizing the need for current and future counter-piracy operations to effectively coordinate their activities,

Noting with concern that the lack of capacity, domestic legislation, and clarity about how to dispose of pirates after their capture, has hindered more robust international action against the pirates off the coast of Somalia and in some cases led to pirates being released without facing justice, and reiterating that the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation,

Welcoming the report of the Monitoring Group on Somalia of 20 November 2008 (S/2008/769), and noting the role piracy may play in financing embargo violations by armed groups,

Determining that the incidents of piracy and armed robbery at sea in the waters off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,



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

1. Reiterates that it condemns and deplors all acts of piracy and armed robbery against vessels in waters off the coast of Somalia;

2. Calls upon States, regional and international organizations that have the capacity to do so, to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution, resolution 1846 (2008), and international law, by deploying naval vessels and military aircraft and through seizure and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

3. Invites all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials (“shipriders”) from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

4. Encourages all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia’s coast; and recalls that future recommendations on ways to ensure the long-term security of international navigation off the coast of Somalia, including the long-term security of WFP maritime deliveries to Somalia and a possible coordination and leadership role for the United Nations in this regard to rally Member States and regional organizations to counter piracy and armed robbery at sea off the coast of Somalia are to be detailed in a report by the Secretary-General no later than three months after the adoption of resolution 1846;

5. Further encourages all states and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to consider creating a centre in the region to coordinate information relevant to piracy and armed robbery at sea off the coast of Somalia, to increase regional capacity with assistance of UNODC to arrange effective shiprider agreements or arrangements consistent with UNCLOS and to implement the SUA Convention, the United Nations Convention against Transnational Organized Crime and other relevant instruments to which States in the region are party, in order to effectively investigate and prosecute piracy and armed robbery at sea offences;

6. In response to the letter from the TFG of 9 December 2008, encourages Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in rooting out piracy and armed robbery at sea, and decides that for a period of twelve months from the date of adoption of resolution 1846, States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the TFG to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the TFG, provided, however, that any measures undertaken pursuant to the authority of this paragraph shall be undertaken consistent with applicable international humanitarian and human rights law;

7. Calls on Member States to assist the TFG, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

8. Welcomes the communiqué issued by the International Conference on Piracy around Somalia held in Nairobi, Kenya, on 11 December 2008 and encourages Member States to work to enhance the capacity of relevant states in the region to combat piracy, including judicial capacity;

9. Notes with concern the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia that escalating ransom payments are fuelling the growth of piracy in waters off the coast of Somalia, and that the lack of enforcement of the arms embargo established by resolution 733 (1992) has permitted ready access to the arms and ammunition used by the pirates and driven in part the phenomenal growth in piracy;

10. Affirms that the authorization provided in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under UNCLOS, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law, and affirms further that such authorizations have been provided only following the receipt of the 9 December 2008 letter conveying the consent of the TFG;

11. Affirms that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 6 above;

12. Urges States in collaboration with the shipping and insurance industries, and the IMO to continue to develop avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

13. Decides to remain seized of the matter.

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Op 19 december 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6051<sup>e</sup> zitting aangenomen Resolutie 1854 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1854 (2008)**

**Adopted by the Security Council at its 6051st meeting, on  
19 December 2008**

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, including the resolution of land and tenure rights, the conservation and protection of biodiversity, and the process for the awarding of contracts for commercial forestry operations,

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation in the Kimberley Process Certification Scheme, noting Liberia's implementation of the necessary internal controls and other requirements of the Kimberley Process, and calling on the Government of Liberia to continue to work diligently to ensure the effectiveness of these controls,

Recalling the statement of its President on 25 June 2007 (S/PRST/2007/22) recognizing the role of voluntary initiatives aimed at improving revenue transparency such as the Extractive Industries Transparency Initiative (EITI) and noting General Assembly resolution 62/274 on strengthening transparency in industries, supports Liberia's decision to inter alia take part in EITI and other extractive industry transparency initiatives and encourages Liberia's continued progress in implementing their EITI work plan to improve revenue transparency,

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security through Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 16 December 2008 (S/2008/785), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet those conditions, and encouraging donors to do likewise,

Urging all parties to support the Government of Liberia in identifying and implementing measures that will ensure progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003),

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

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

1. Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

- a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006)

and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of this resolution;

b) That Member States shall notify the Committee established by paragraph 21 of resolution 1521 (2003) (“the Committee”) upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006), or paragraph 1 (b) of resolution 1731;

c) To review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

2. Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls on the Government of Liberia to continue to make all necessary efforts to fulfil its obligations;

3. Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee’s guidelines, particularly with regard to listing and delisting procedures;

4. Decides to extend the mandate of the current Panel of Experts appointed pursuant to paragraph 1 of resolution 1819 (2008) for a further period until 20 December 2009 to undertake the following tasks:

a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report on the implementation, and any violations, of the measures imposed by resolution 1521 (2003) and renewed in paragraph 1 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

c) To assess the implementation of forestry legislation passed by the Liberian Congress on 19 September 2006 and signed into law by President Johnson Sirleaf on 5 October 2006;

d) To assess the Government of Liberia’s compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

- e) To provide a midterm report to the Council through the Committee by 1 June 2009 and a final report to the Council through the Committee by 20 December 2009 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;
- f) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 10 of resolution 1842 (2008), and with the Kimberley Process Certification Scheme;
- g) To identify and make recommendations regarding areas where the capacity of States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);
- h) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;
5. Requests the Secretary-General to reappoint the current members of the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;
6. Calls upon all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;
7. Encourages the Government of Liberia to continue to implement the recommendations of the 2008 Kimberley Process review team to strengthen internal controls over diamond mining and export;
8. Encourages the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;
9. Decides to remain actively seized of the matter.

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Op 22 december 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6056<sup>e</sup> zitting aangenomen Resolutie 1857 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1857 (2008)**

**Adopted by the Security Council at its 6056th meeting, on  
22 December 2008**

The Security Council,

Recalling its previous resolutions, in particular resolution 1804 (2008) and 1807 (2008), and the statements of 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, and demanding that all the parties to the Goma and Nairobi processes to respect the ceasefire and implement their commitments effectively and in good faith,

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,

Taking note of the interim and final reports (S/2008/772 and S/2008/773) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolution 1807 (2008) and of their recommendations,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo 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 Democratic Republic of the Congo,

Stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Reiterating the importance of the Government of the Democratic Republic of the Congo and the Governments of the region taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

Supporting the Democratic Republic of the Congo's decision to work towards enhancing revenue transparency in its extractive industries,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and traf-

ficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Recalling its resolutions 1325 (2000) and 1820 (2008) on women, peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolution 1612 (2005) on children in armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflicts,

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,

1. Decides to renew until 30 November 2009 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution;

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

3. 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 that resolution;

4. Decides that the measures referred to in paragraph 3 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;



f) Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

g) Individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources;

5. Decides, for a further period ending on the date referred to in paragraph 1 above, that the measures in paragraph 3 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 9 and 11 of resolution 1807 (2008), paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005), and paragraph 13 of resolution 1698 (2006), unless the Committee decides otherwise;

6. Decides further to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) to include the following tasks:

a) to review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above 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 becomes available;

b) to promulgate guidelines in order to facilitate the implementation of the measures imposed by this resolution and keep them under active review as may be necessary;

7. Calls upon all States, in particular those of the region, to support the implementation of the measures specified in this resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 1, 2, 3, 4 and 5 above and encourages all States to send representatives, at the Committee's request, to meet the Committee for more in-depth discussion of relevant issues;

8. Requests the Secretary-General to extend, for a period expiring on 30 November 2009, the Group of Experts established pursuant to resolution 1771 (2007) and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and to report to the Council in writing, through the Committee, by 15 May 2009 and again before 15 October 2009;

9. Decides that the mandate of the Group of Experts referred to in paragraphs 8 above shall also include the tasks outlined below:

a) to include in its reports to the Committee any information relevant to the Committee's designation of the individuals and entities described in paragraph 4 and 5 above;

b) to assist the Committee in updating the publicly available reasons for listing and identifying information for individuals and entities referenced in paragraph 5 above and in compiling narrative summaries referred to in paragraph 18 below;

10. Requests the Group of Experts to continue to focus its activities in North and South Kivu and in Ituri;

11. Requests the Government of the Democratic Republic of the Congo, other governments in the region as appropriate, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts, to cooperate intensively, including by exchanging information regarding arms shipments, the illegal trafficking in natural resources and activities of individuals and entities designated by the Committee pursuant to paragraphs 4 and 5 above;

12. Requests in particular that MONUC share information with the Group of Experts, especially on the support received by armed groups, on recruitment and use of children and on the targeting of women and children in situations of armed conflicts;

13. Further demands that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control;

14. Reiterates its demand, expressed in paragraph 21 of resolution 1807, 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;

15. Encourages Member States to take measures, as they deem appropriate, 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;

16. Encourages Member States to submit to the Committee for inclusion on its list of designees, names of individuals or entities who meet the criteria set out in paragraph 4 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities acting on behalf of or at the direction of the submitted entities;

17. Decides that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and entities by Member States, and decides further that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 18 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

18. Directs the Committee in coordination with the relevant designating States and with the assistance of the Group of Experts referred to in paragraph 8 above after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing and further directs the Committee, with the assistance of the Group of Experts and in coordination with the relevant designating States, to update the publicly available reasons for listing and identifying information for the individuals and entities referred to in paragraph 5;

19. Decides that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the Permanent Mission of the country or countries 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) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering delisting requests, and the provisions regarding available exemptions;

20. Demands that Member States receiving notification as in paragraph 19 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 19 above;

21. Welcomes the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

22. Urges designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

23. Directs the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to this resolution;

24. Decides that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the Permanent Mission of the country or countries 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), and demands that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

25. Encourages the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

26. Decides that, when appropriate and no later than 30 November 2009, 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;

27. Decides to remain actively seized of the matter.

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Op 22 december 2008 heeft de Veiligheidsraad van de Verenigde Naties tijdens zijn 6059<sup>e</sup> zitting aangenomen Resolutie 1859 (2008). De Engelse tekst van de resolutie luidt:

**Resolution 1859 (2008)**

**Adopted by the Security Council at its 6059th meeting, on  
22 December 2008**

The Security Council,

Welcoming the efforts of the democratically elected, constitutionally based, national unity Government of Iraq in fulfilling its detailed political, economic, and security programme and national reconciliation agenda, and encouraging in that regard the holding of inclusive and peaceful provincial elections,

Recalling all of its previous relevant resolutions on Iraq,

Reaffirming the independence, sovereignty, unity, and territorial integrity of Iraq and reaffirming further the importance of the principle of non-interference in the internal affairs of Iraq,

Noting the progress that is taking place in Iraq, particularly in achieving security and stability, and in strengthening the armed forces and other Iraqi security forces, and noting likewise Iraq's progress in the political and economic fields,

Welcoming the continuing work of the Government of Iraq towards a federal, democratic, pluralistic and unified Iraq, in which there is full respect for human rights,

Noting the Government of Iraq's progress in pursuing an atmosphere in which sectarianism is totally rejected, underscoring the importance of inclusive political dialogue and national reconciliation,

Recognizing that international support for security and stability is essential to the well-being of the people of Iraq as well as the ability of all concerned, including the United Nations, to carry out their work for the benefit of the people of Iraq, and expressing appreciation for Member State contributions in this regard under resolution 1483 (2003), resolution 1511 (2003), resolution 1546 (2004), resolution 1637 (2005), resolution 1723 (2006), and resolution 1790 (2007),

Recognizing also that Iraq is still in need of regional and international support so that it can continue to make progress, so that its people can flourish and prosper in peace,

Welcoming continuing progress under the International Compact with Iraq, an initiative of the Iraqi Government that has created a new partnership with the international community and is building a strong framework for Iraq's continued political, economic and security transformation and integration into the regional and global economy, as confirmed in the Stockholm Declaration on 29 May 2008, and welcoming also the important role that the United Nations is playing by jointly chairing the Compact with the Government of Iraq,

Recalling the establishment of the United Nations Assistance Mission for Iraq (UNAMI), and affirming that the United Nations should continue to play a leading role in supporting the efforts of the Iraqi Government to strengthen institutions for representative government, promote political dialogue and national reconciliation, engage neighbouring countries, assist vulnerable groups, including refugees and internally displaced persons, and promote the protection of human rights and judicial and legal reform in accordance with resolution 1770 (2007) and resolution 1830 (2008),

Calling upon the international community, particularly countries in the region and Iraq's neighbours, to support the Iraqi people in their pursuit of peace, stability, security, democracy and prosperity, welcoming the Expanded Neighbours' Conferences held in Sharm El-Sheikh, Istanbul and Kuwait and their role in supporting the efforts of the Government of Iraq to achieve security and stability in Iraq, and the positive results thereof on regional and international peace and security, welcoming also the fact that the Expanded Neighbours' Conference, held in Kuwait on 22 April 2008 approved the terms of reference of the support mechanism, and noting that the successful implementation of this resolution will contribute to regional stability,

Noting the letter from the Prime Minister of Iraq to the President of the Security Council, dated 7 December 2008, which is annexed to this resolution, welcoming the Prime Minister's affirmation of Iraq's commitment to living in peace with its neighbours in a manner that contributes to the security and stability of the region, and recognizing the expiration of the mandate of the multinational force at the end of 31 December 2008,

Recognizing the positive developments in Iraq and that the situation now existing in Iraq is significantly different from that which existed at the time of the adoption of resolution 661 (1990), and further recognizing the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661 (1990),

Recognizing that the letter from the Prime Minister of Iraq also reaffirms the commitment by the Government to resolve the debts and settle the claims inherited from the previous regime, and to continue to address those debts and claims until they are resolved or settled, and requests the continued assistance of the international community, as the Government of Iraq works to complete this process,

Recognizing the significant role of the Development Fund for Iraq and the International Advisory and Monitoring Board, and the provisions of paragraph 22 of resolution 1483 (2003) in helping the Government of Iraq to ensure that Iraq's resources are being used transparently and accountably for the benefit of the Iraqi people, and recognizing also the need for Iraq during 2009 to transition to successor arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board, to include the Committee of Financial Experts,

Reaffirming that acts of terrorism must not be allowed to disrupt Iraq's political and economic transition, and further reaffirming the obligations of Member States under resolution 1618 (2005) of 4 August 2005 and other relevant resolutions and international conventions with respect, inter alia, to terrorist activities in and from Iraq or against its citizens,

Recognizing that the Government of Iraq will continue to have the leading role in coordinating international assistance to Iraq and reaffirming the importance of international assistance and development of the Iraqi economy and the importance of coordinated donor assistance,

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

1. Decides to extend until 31 December 2009 the arrangements established in paragraph 20 of resolution 1483 (2003) for the depositing into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred

to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board and further decides that, subject to the exception provided for in paragraph 27 of resolution 1546 (2004), the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect to funds and financial assets and economic resources described in paragraph 23 of that resolution;

2. Decides further that the provisions in the above paragraph for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) shall be reviewed at the request of the Government of Iraq or no later than 15 June 2009;

3. Requests the Secretary-General to report to the Council on a quarterly basis, with the first briefing no later than 31 March 2009 and with a written report on a semi-annual basis, on the activities of the Development Fund for Iraq and the International Advisory and Monitoring Board, including on progress made in strengthening financial and administrative oversight of the Development Fund for Iraq;

4. Encourages the International Monetary Fund and the World Bank, as members of the International Advisory and Monitoring Board, to brief the Council in January 2009;

5. Decides to review resolutions pertaining specifically to Iraq, beginning with the adoption of resolution 661 (1990), and in that regard requests the Secretary-General to report, after consultations with Iraq, on facts relevant to consideration by the Council of actions necessary for Iraq to achieve international standing equal to that which it held prior to the adoption of such resolutions;

6. Decides to remain actively seized of the matter.

#### **Annex**

##### **Letter dated 7 December 2008 from the Prime Minister of Iraq addressed to the President of the Security Council**

Further to our letter dated 31 December 2007 addressed to you, in which we indicated that the extension of the mandate of the Multinational Forces in Iraq (MNF I) would be for one final time; with appreciation for the important role and efforts of those forces in assisting Iraq to achieve security and stability; and in view of the fact that Iraq has signed the Agreement between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of their Activities during their Temporary Presence in Iraq, we look forward to the ending of the mandate of MNF-I at the end of 31 December 2008. On behalf of the Government and people of Iraq, I express my gratitude to the Governments of the States that have

contributed to those forces and to the forces themselves for the services rendered during their presence in the territory, waters and airspace of Iraq.

Iraq has inherited debts and claims from the previous regime and has made great progress in settling them. However, much remains to be done, and our efforts to settle those claims and debts will require some time. Temporary support from the international community will continue to be required during the coming phase. Therefore, we hope that the international community will continue current protections and arrangements for petroleum, petroleum products, and natural gas from Iraq and the proceeds thereof until such time as the Government of Iraq is able to take the measures necessary to settle those debts and claims inherited from the previous regime. Oil revenues constitute 95 per cent of Government resources, and these claims have an impact on reconstruction and the economic transformations taking place in Iraq, and consequently pose a grave threat to Iraq's stability and security and by extension to international peace and security.

The Iraqi Government recognizes the importance of the provisions of paragraph 22 of United Nations Security Council resolution 1483 (2003) ensuring that Iraq's petroleum and natural gas resources and proceeds and obligations arising from sales thereof, as well as funds deposited in the Development Fund for Iraq, shall be used for reconstruction projects and other purposes benefiting the people of Iraq. Therefore, bearing in mind the exception provided for in paragraph 27 of United Nations Security Council resolution 1546 (2004), Iraq requests that the Security Council continue to implement the provisions of paragraph 22 of United Nations Security Council resolution 1483 (2003) until 31 December 2009, including those relating to funds or other financial assets or economic resources mentioned in paragraph 23 of that resolution.

The Government of Iraq believes that the provisions of United Nations Security Council resolution 1546 (2004) relating to the deposit of proceeds into the Development Fund for Iraq will help to ensure that proceeds from Iraq's natural resources will be used for the benefit of the Iraqi people, as will the role played by the International Advisory and Monitoring Board. The Iraqi Government recognizes that the Development Fund for Iraq plays an important role in helping Iraq to reassure donors and creditors that Iraq is administering its resources and debts in a responsible manner in the service of the Iraqi people. It should be noted that Iraq is attempting, after years of isolation under the previous regime, to form a new partnership with the international community with a view to integrating its economy into those of the region and the world through the International Compact with Iraq, and its efforts were endorsed by more than 90 countries and international organizations in the Stockholm Declaration of 29 May 2008. In view of this, Iraq requests



the Security Council to extend the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board for a period of 12 months, with a review of the extension to be conducted before 15 June 2009 at the request of the Government of Iraq.

The Government of Iraq affirms that it honours its obligations under United Nations Security Council resolutions and follows policies of peaceful coexistence with its neighbours conducive to the security and stability of the region. The Government of Iraq looks forward to recognition by the United Nations Security Council that major positive developments have taken place in Iraq; that the situation in Iraq is fundamentally different from that prevailing at the time of the adoption of United Nations Security Council resolution 661 (1990); and that the time has come for Iraq to regain its legal and international status prevailing prior to the adoption by the Security Council of that resolution and the subsequent sanctions imposed on it under Chapter VII of the Charter of the United Nations.

The Government of Iraq requests that the Security Council include this letter as an annex to the resolution currently being drafted on Iraq, and should be grateful if the President of the Security Council would circulate it to the Members of the Security Council as soon as possible.

7 December 2008

(Signed) NURI KAMEL AL-MALIKI  
Prime Minister of the Republic of Iraq

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C. VERTALING

Voor de vertaling van het Handvest, zoals gewijzigd, zie *Trb.* 1987, 113.

D. PARLEMENT

Zie *Trb.* 1951, 44.

E. PARTIJGEGEVENS

Zie de rubrieken E en F van *Trb.* 1951, 44 en, laatstelijk, rubriek E van *Trb.* 2008, 174.

G. INWERKINGTREDING

Zie *Trb.* 1951, 44.

J. VERWIJZINGEN

Zie, laatstelijk, *Trb.* 2008, 13.

**Verbanden**

De Veiligheidsraad van de Verenigde Naties heeft de volgende resolutie aangenomen tot wijziging van het Statuut van het Internationaal Tribunaal voor het voormalige Joegoslavië, waarvan de tekst is gepubliceerd in *Trb.* 1993, 168:

Resolutie 1837 (2008) van 29 september 2008

De Veiligheidsraad van de Verenigde Naties heeft de volgende resoluties aangenomen tot wijziging van het Statuut van het Internationaal Tribunaal voor Rwanda, waarvan de tekst is gepubliceerd in *Trb.* 1994, 277:

Resolutie 1824 (2008) van 18 juli 2008

Resolutie 1855 (2008) van 19 december 2008

De teksten van de resoluties zijn gepubliceerd op [http://www.un.org/Docs/sc/unsc\\_resolutions.html](http://www.un.org/Docs/sc/unsc_resolutions.html).

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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 Nederland, de Nederlandse Antillen en Aruba op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *zevende* mei 2009.

*De Minister van Buitenlandse Zaken,*

M. J. M. VERHAGEN