

**Security Council**Distr.: General
22 December 2008

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 trafficking 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.