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INTRODUCTORY NOTE TO UNITED NATIONS SECURITY COUNCIL RESOLUTION 2339

BY JONATHAN HOROWITZ*

[January 27, 2017]

Introduction

On January 27, 2017, the UN Security Council unanimously adopted Resolution 2339 to extend by one year the mandate of a sanctions regime to address protracted violence, insecurity, and political turmoil in the Central African Republic (CAR). Three years after the Council first imposed the regime under Resolution 2127 (2013), the Council's adoption of Resolution 2339 made it clear that the situation in CAR continued to require a robust sanctions regime, that sexual violence in CAR needed heightened political attention, and that states should improve the ways they enforce the sanctions regime's travel ban. Similar to its predecessor resolutions, Resolution 2339 included certain limitations aimed at making the sanctions targeted and humane. But, as has been the case with sanctions regimes aimed at other countries, this one suffered from a lack of due process guarantees for ensuring the protection of the human rights of the people and entities that were punished for noncompliance.

Background on the Central African Republic

The UN Security Council adopted Resolution 2339 at a time when CAR was showing troubling signs of a worsening political and security environment. The UN Secretary-General described the four months prior to the adoption of Resolution 2339 as being "marred by rising tensions and outbreaks of violence" and described a fledgling political transition process as facing significant challenges.[1] This was happening despite the international community's expression of strong support at a November 2016 donors conference in Brussels, the adoption of plans for security sector reform, and what had appeared to be positive signs of reconciliation efforts and progress toward operationalizing a Special Criminal Court, among other advancements.

The calamitous security situation at the end of 2016 was largely the result of fighting between ex-Séléka and anti-balaka groups and infighting among ex-Séléka groups. The violence was taking a heavy toll on civilians and inflamed the already difficult humanitarian situation. Peacekeepers from the United Nations Integrated Multidimensional Mission in the Central African Republic (MINUSCA), established under Resolution 2149 (2014), had a mandate to use force to protect civilians, but they were also frequently the object of attack.

By the end of 2016, peacekeepers and other foreign soldiers were also the subject of numerous allegations of human rights abuses, including sexual and gender-based violence. The United Nations had also come under heavy criticism for not responding seriously to those allegations.[2] Sexual and gender-based violence was a defining characteristic of CAR's ongoing violence more generally as well. On August 5, 2016, Zainab Bangura, the Special Representative of the Secretary-General for Sexual Violence, briefed members of the Council where, according to Security Council Report, an organization that advocates for UN Security Council transparency and effectiveness, she emphasized "the important role of the UN and humanitarian actors in ending impunity with regard to sexual violence in the Central African Republic."[3] The United Nations' Informal Expert Group on Women, Peace and Security also continued to raise concerns at its December 2016 meeting.[4]

UN Security Council Resolution 2339 Sanctions Regime

Resolution 2339 built on prior resolutions that incrementally bolstered a 2013 arms embargo that had also required states to dispose of banned items when they were discovered. In Resolutions 2134 (2014), 2196 (2015), and 2262 (2106), the Council had added travel bans and asset freezes for individuals and entities that violated the embargo or were engaged in or provided support for "acts that undermine the peace, stability or security" of CAR, or were involved in a lengthy enumerated list of other detailed "designation criteria."

At its core, Resolution 2339 reflected the UN Security Council's view that a general and comprehensive arms embargo remained warranted in CAR. In doing so, the Council dashed CAR's efforts at the Council to lift or

* Jonathan Horowitz is a Senior Legal Officer at the Open Society Justice Initiative. This Note is written in his personal capacity.

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ease the embargo on the Central African Armed Forces (FACA) due to the limited progress made on security sector reform.[5]

Similar to previous resolutions, the arms embargo applied to all parties other than those it carved out to ensure that international and regional actors—such as MINUSCA, the African Union-Regional Task Force (AU-RTF), the European Union missions and French forces deployed in CAR, and others—could carry out their mandates and responsibilities. Lethal and nonlethal supplies and assistance to CAR security forces intended solely for use in security sector reform also remained excluded from the embargo, provided that a Sanctions Committee (which has the mandate to designate which individuals and entities fall under the sanctions regime) was given advance notice of the provision of nonlethal supplies and assistance and that the committee gave its advance approval of the provision of lethal equipment. The embargo also excluded from its reach small arms and other related equipment intended solely for international security patrols in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities in violation of CAR's domestic laws and international obligations.

With sexual violence still a defining characteristic of the CAR conflict, Resolution 2339 was lauded for giving the issue heightened attention. The resolution contained a long and detailed list of specific "designation criteria" for what acts can trigger sanctions. This list included violations of international human rights law and international humanitarian law, child soldier recruitment, obstructing delivery of humanitarian assistance, and attacks against UN peacekeepers, among others. Previous resolutions had done the same and had included "sexual violence" alongside several other listed examples of violations of international human rights law and international humanitarian law. What was new to Resolution 2339 was that it listed "planning, directing or committing acts involving sexual and gender based violence" as an independent criterion. The Council did this largely as a political response to, and in clear recognition of, the rampant and unaccountable use of sexual and gender-based violence by parties to the conflict. France—which held the pen in the drafting process[6]—explained that recognizing sexual violence as a separate designation criterion "increased the visibility" of those crimes.[7] The arrival of this new language also came at a time when the Informal Expert Group on Women, Peace and Security was playing the role of ensuring that the Panel of Experts took allegations of conflict-related sexual violence into account when listing individuals, but this language was not added without contention.[8]

Resolution 2339 also sought to bolster the effectiveness of its travel ban by adding new language proposed by France that was adapted from Resolution 2178 on "foreign terrorist fighters" and Resolution 2161 on Al-Qaeda.[9] For example, under Resolution 2339 the CAR sanctions regime newly encouraged states to "require that airlines provide advance passenger information to the appropriate national authorities in order to detect departure, entry or transit through their territories of individuals designated by the Committee" and urged CAR authorities to remove from circulation fraudulent, counterfeit, stolen, and lost passports.

Under Resolution 2339, a Sanctions Committee continues to implement the CAR sanctions regime with the assistance of a Panel of Experts. Resolution 2339 also extended this regime to January 31, 2018, and extended the mandate of the Panel of Experts to February 28, 2018.

Resolution 2339 in the Context of Humanitarian and Human Rights Concerns[10]

While it is common for the UN Security Council to impose sanctions regimes in response to mass violence and human-caused humanitarian catastrophe, many of those regimes had been criticized for being applied unfairly from both humanitarian and due process perspectives. To address the humanitarian concerns, the Council now increasingly inserts exclusionary rules to ensure that states do not implement sanctions regimes in an overly broad, inhumane, or ineffective manner. The Council's use of these types of "targeted" sanctions (or "smart" sanctions) have provided an alternative to sanctions regimes such as the one that came under particularly harsh criticism for causing considerable human suffering during the 1991 Gulf War. Resolution 2339 followed this emerging trend. It excluded the use of travel bans on persons who have humanitarian needs, including religious obligations; excluded placing asset freezes on basic expenses such as foodstuffs, rent or mortgage, and medicine and medical treatment; and excluded from the arms embargo the provision of nonlethal military equipment intended solely for humanitarian use.

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There were, however, places for improvement. As was the case with past CAR resolutions, Resolution 2339 did not include "intent" (or even "knowledge," aside from a very limited exception) as elements of its prohibited acts, thereby leaving people or entities vulnerable to being sanctioned for proscribed actions they might not have intended to undertake or knowingly engaged in. The resolution also made a very broad proscription against someone providing "support"—without any caveats or further definition—to a leader of a listed entity, a listed individual, or an entity owned or controlled by a listed individual or entity.

Relatedly, the UN Security Council has been less successful at addressing due process concerns associated with its sanctions regimes. The CAR sanctions regime and its Sanctions Committee do not appear to impose any new rules or procedures that veer from this path.[11] These concerns have repeatedly arisen because some individuals and entities listed across the various regimes have not been able to effectively challenge whether they should be on a sanctions list or whether the specific sanction against them, such as a specific travel ban or asset freeze measure, violates their human rights.

The UN Security Council passed Resolution 1730 (2006) to establish a delisting Focal Point in an attempt to alleviate some of these concerns. Prior to this time, only states could make delisting requests, leaving listed individuals and entities the ability only to petition a state to take up their case, even if it was that same state that recommended the listing in the first place. With Resolution 1730, listed individuals and entities could go directly to the Focal Point. But this was still an unsatisfactory due process protection, as the delisting request still had to go through an interstate consultation process and if delisting was recommended the decision ultimately remained with the Sanctions Committee.

In addition to this problem, listed individuals and entities have faced due process challenges when they have taken their delisting claims to domestic adjudication bodies. This has been due to a combination of factors that have made it difficult for these institutions, including courts, to make proper evaluations. These factors include the fact that Sanctions Committee listing proceedings occur behind closed doors, that their decision-making process for who gets placed on a sanctions list lacks transparency, and that states often refuse to hand over to domestic proceedings, or in some cases redact, the justifications that they gave to the committee to get someone listed. This all assumes, however, that the listed individuals and entities can even access these bodies, which is not always the case. It is worth noting that regional courts such as the European Court of Justice and the European Court of Human Rights have been attentive to some of these due process concerns and their decisions have triggered some measure of reform.

It is unknown to the author whether those listed by the CAR Sanctions Committee have faced these or other due process challenges. At the time that the Council adopted Resolution 2339 in January 2017, the committee had received delisting requests for one individual and one entity—the latter of which it denied and the other of which it approved upon reports of the individual's death—and had a total of ten individuals and two entities on its list.[12]

ENDNOTES

1 Report of the Secretary-General on the Central African Republic, UN Doc S/2017/94, para. 2 (Feb. 1, 2017).

2 *See* Somini Sengupta & Rick Gladstone, *Report Criticizes U.N.'s Handling of Child Sex Abuse Allegations*, N.Y. TIMES, Dec. 17, 2015, at A14; *UN Inquiry into CAR Abuse Claims Identifies 41 Troops as Suspects*, THE GUARDIAN (Dec. 5, 2016), *at* https://www.theguardian.com/world/2016/dec/05/un-inquiry-into-car-abuse-claims-identifies-41-troops-as-suspects; *Probe into Sexual Abuse in Central African Republic Must "Leave No Stone Unturned"—UN Rights Chief*, UN NEWS CENTRE (Mar. 31, 2016), *at* http://www.un.org/apps/news/story.asp?NewsID=53583#.Wbkposh9670.

3 *Chronology of Events: Central African Republic*, SECURITY COUNCIL REPORT, *at* http://www.securitycouncilreport.org/chronology/central-african-republic.php (last updated Aug. 1, 2017).

4 Informal Expert Group on Women and Peace and Security, Summary of the Follow-up Meeting on the Central African Republic, 7 December 2016, UN Doc. S/2016/1105 (Dec. 22, 2016) [hereinafter Informal Expert Group].

5 *January 2017 Monthly Forecast: Central African Republic*, SECURITY COUNCIL REPORT (Dec. 28, 2016), *at* http://www.securitycouncilreport.org/monthly-forecast/2017-01/central_african_republic_19.php.

6 *Id.*

7 Press Release, Security Council, Unanimously Adopting Resolution 2339 (2017), Security Council Extends Arms

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Embargo, Other Sanctions on Central African Republic, UN Press Release SC/12697 (Jan. 27, 2017).

8 Informal Expert Group, *supra* note 4; *Renewal of the Central African Republic Sanctions Regime and Panel of Experts Mandate,* SECURITY COUNCIL REPORT (Jan. 26, 2017), *at* http://www.whatsinblue.org/2017/01/renewal-of-the-central-african-republic-sanctions-regime-and-panel-of-experts-mandate.php [hereinafter *Renewal of the CAR Sanctions Regime*].

9 *Renewal of the CAR Sanctions Regime*, *supra* note 8.

10 This section relies heavily on insights from Matthew Happold, *Targeted Sanctions and Human Rights*, *in* ECONOMIC SANCTIONS AND INTERNATIONAL LAW (Matthew Happold & Paul Eden eds., 2016).

11 Rep. of the Security Council Committee Established Pursuant to Resolution 2127 (2013) Concerning the Central African Republic, UN Doc. S/2016/1080 (Dec. 30, 2016); Security Council Comm. Established Pursuant to Resolution 2127 (2013) Concerning the Central African Republic, *Guidelines of the Committee for the Conduct of Its Work* (Mar. 20, 2017).

12 Rep. of the Security Council Committee Established Pursuant to Resolution 2127 (2013) Concerning the Central African Republic, UN Doc. S/2014/921 (Dec. 18, 2014); Rep. of the Security Council Committee Established Pursuant to Resolution 2127 (2013) Concerning the Central African Republic, UN Doc. S/2015/979 (Dec. 31, 2015); Rep. of the Security Council Committee Established Pursuant to Resolution 2127 (2013) Concerning the Central African Republic, UN Doc. S/2016/1080 (Dec. 31, 2016).

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UNITED NATIONS SECURITY COUNCIL RESOLUTION 2339*
[January 27, 2017]

United Nations S/RES/2339 (2017)

Security Council

Distr.: General
27 January 2017

Resolution 2339 (2017)

Adopted by the Security Council at its 7872nd meeting, on 27 January 2017

The Security Council,

Recalling its previous resolutions and statements on the Central African Republic (CAR), in particular resolutions 2121 (2013), 2127 (2013), 2134 (2014), 2149 (2014), 2181 (2014), 2196 (2015), 2212 (2015), 2217 (2015), 2262 (2016), 2264 (2016), 2281 (2016), 2301 (2016) as well as resolution 2272 (2016), and the Statements of its President of 18 December 2014 (S/PRST/2014/28), 20 October 2015 (S/PRST/2015/17), and 16 November 2016 (S/PRST/2016/17),

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

Recalling that the CAR bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity,

Noting with concern that while improving, the security situation in the CAR remains fragile, due to the continued presence of armed groups and other armed spoilers, as well as the ongoing violence, the lack of capacity of the national security forces, the limited authority of the State over all of the CAR territory, and the persistence of the root causes of the conflict,

Emphasizing that any sustainable solution to the crisis in the CAR should be CAR-owned, including the political process, and should prioritize reconciliation of the Central African people, through an inclusive process that involves men and women of all social, economic, political, religious and ethnic backgrounds, including, those displaced by the crisis,

Calling upon the CAR authorities to urgently implement transparent and inclusive measures that allow for stabilization and reconciliation in the CAR, including to take concrete steps to restore the effective authority of the State over all of the territory of the CAR; to fight impunity by restoring administration of the judiciary and the criminal justice system, including the penitentiary system, throughout the country; to speed up the reform of the CAR Armed Forces (FACA) and internal security forces in order to put in place multi-ethnic, professional, and republican security services through appropriate security sector reform processes; to carry out the inclusive and effective disarmament, demobilization, reintegration and repatriation (DDRR) of armed groups, including children formerly associated with them; and to establish a functioning public financial management in order to meet the expenses related to the functioning of the State, implement early recovery plans, and revitalize the economy,

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Encouraging the CAR authorities, in collaboration with the United Nations Multidimensional Integrated Mission in the CAR (MINUSCA) and the European Union Training Mission in the CAR (EUTM-RCA), to provide equal opportunities for members of armed groups, whether anti-Balaka or ex-Séléka, in the process of selecting eligible demobilized members to integrate into the national security and defence forces, and to ensure that FACA soldiers of all prefectures enjoy equal access to the registration and simplified verification process,

Underlining the importance of rebuilding a multi-ethnic, republican and professional national army in the CAR, recognizing in this regard the work carried out by the EUTM-RCA and welcoming the intention of Member States of the Central Africa Economic and Monetary Community (CEMAC) to contribute to the training of the national security and defence forces in support of the CAR authorities and in coordination with EUTM,

Calling upon the CAR authorities to ensure that perpetrators of violations of applicable international law, including those committed against children and women, are excluded from the CAR security and armed forces,

Welcoming the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse, expressing grave concern over numerous allegations of sexual exploitation and abuse reportedly committed by peacekeepers in the CAR, stressing the urgent need for troop- and police-contributing countries and MINUSCA to promptly investigate those cases in a credible and transparent manner and to hold accountable those responsible for such criminal offenses or misconduct, and further stressing the need to prevent such exploitation and abuse and to improve how these allegations are addressed,

Welcoming the Secretary-General's Report of 29 September 2016 (S/2016/824) submitted pursuant to resolution 2301 (2016),

Further welcoming also the midterm update and the final report (S/2016/1032) of the Panel of Experts on the CAR established pursuant to resolution 2127 (2013), expanded by resolution 2134 (2014) and extended pursuant to resolution 2262 (2016), and taking note of the Panel of Experts' recommendations,

Strongly condemning the ongoing violence and instability in the CAR, and the threats of violence, human rights violations and abuses and international humanitarian law violations, including against women and children; the attacks against United Nations peacekeepers, international forces and humanitarian personnel; the continuous cycle of provocations and reprisals by armed groups, both inside and outside Bangui and denial of humanitarian access, committed by armed elements, which continue to adversely affect the dire humanitarian situation faced by the civilian population and to impede humanitarian access to vulnerable populations,

Stressing the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of these acts, some of which may amount to crimes under the Rome Statute of the International Criminal Court (ICC), to which the CAR is a State party, noting in this regard the opening by the Prosecutor of the International Criminal Court on 24 September 2014 of an investigation following the request of the national authorities on alleged crimes committed since 2012 and welcoming the ongoing cooperation by the CAR authorities in this regard,

Stressing the importance of putting in place an effective national judicial system, underlining the need to bolster national accountability mechanisms, including through further implementation of the 7 August 2014 Memorandum of Understanding (MoU) on Urgent Temporary Measures, and the law promulgated in June 2015 to establish a national Special Criminal Court to investigate and prosecute serious crimes committed in the CAR, and recalling the importance of continuous support of the international community to this process pursued by the CAR authorities,

Emphasizing that those engaging in or providing support for acts that undermine the peace, stability or security of the CAR, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers may meet criteria for designation under sanctions as stated in this resolution,

Expressing concern that illicit trafficking, trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife has a negative impact in the economy and the development of the country, and that it continues to threaten the peace and stability of the CAR,

Taking note of the Kimberley Process (KP) Administrative Decision on Resumption of Exports of Rough Diamonds from the CAR, its annexed Operational Framework, and the work of the KP Monitoring Team for CAR and

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recognizing the extraordinary efforts of the CAR Authorities and the KP, to responsibly and progressively, through pre-established "compliant zones", reintegrate the CAR into the global diamond trade,

Noting with concern the findings of the Panel of Experts' final report that the Lord's Resistance Army (LRA) remains active in the CAR, has established links to other armed groups and is generating revenues from the exploitation and trade of natural resources, including gold, diamonds and wildlife poaching,

Further noting with concern the ongoing transnational criminal activity in the region, emphasizing the risk of the situation in the CAR providing a conducive environment for further transnational criminal activities, such as those involving arms trafficking and the use of mercenaries as well as a potential breeding ground for radical networks,

Acknowledging in this respect the important contribution the Council-mandated arms embargo can make to countering the illicit transfer of arms and related materiel in the CAR and its region, and in supporting post-conflict peacebuilding, DDRR and SSR processes, recalling its resolutions 2117 (2013), 2127 (2013), 2220 (2015) and 2262 (2016) and expressing grave concern at the threat to peace and security in the CAR arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict,

Reiterating the importance of all Member States' full implementation of the measures set out in resolutions 2127 (2013), 2134 (2014), 2196 (2015), 2262 (2016) and this resolution, including the obligation to implement targeted sanctions against individuals and entities designated by the Sanctions Committee established pursuant to resolution 2127 (2013) (the Committee),

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and encouraging efforts to further enhance cooperation and implementation of the sanctions regime in all its aspects,

Noting with concern the reports that sanctioned individuals are travelling in the region in violation of the travel ban, and underlining that individuals or entities who knowingly facilitate the travel of a sanctioned individual in violation of the travel ban may be determined by the Committee to have met the designation criteria for sanctions,

Welcoming efforts by the Chair of the Committee and the President of the Security Council to support and strengthen the implementation of the measures imposed pursuant to resolution 2262 (2016) through engagement with Member States, especially regional States, and welcoming in this regard the travel by the Chair and Committee members to the CAR in May 2016,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during this conference, encouraging Member States to swiftly disburse these pledges, and encourages further mobilization at the African Union Solidarity Conference for the CAR to be held in Addis Ababa in February 2017,

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

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

Arms embargo

1. *Decides* that, until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the CAR, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any

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arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force (AU-RTF), and the European Union Missions and French Forces deployed in the CAR;

(b) Supplies of non-lethal equipment and provision of assistance, including operational and non-operational training to the CAR security forces, including State civilian law enforcement institutions, intended solely for support of or use in the CAR process of Security Sector Reform (SSR), in coordination with MINUSCA, and as notified in advance to the Committee, and requests MINUSCA to report on the contribution to SSR of this exemption, as part of its regular reports to the Council;

(c) Supplies brought into the CAR by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force established on 23 May 2011 in Khartoum by the CAR, Chad and Sudan, to enhance security in the common border areas, in cooperation with MINUSCA, as approved in advance by the Committee;

(d) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(e) Protective clothing, including flak jackets and military helmets, temporarily exported to the CAR by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(f) Supplies of small arms and other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the national laws of the CAR or the CAR's international legal obligations, as notified in advance to the Committee;

(g) Supplies of arms and other related lethal equipment to the CAR security forces, including State civilian law enforcement institutions, intended solely for support of or use in the CAR process of SSR, as approved in advance by the Committee; or

(h) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

2. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 1 of this resolution, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 1 of this resolution and decides further that all Member States shall cooperate in such efforts;

3. *Reiterates* its call upon the CAR authorities, with the assistance of MINUSCA and international partners, to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in the CAR, and to ensure the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition and further stresses the importance of incorporating such elements into SSR and DDRR programmes;

4. *Strongly encourages* the CAR authorities to increase their capacity, with the support of MINUSCA, the United Nations Mine Action Service (UNMAS), and other international partners, to store and manage weapons and ammunition in their possession, including those transferred from MINUSCA stocks, according to international best practices and norms, while ensuring that the FACA and interior forces units receiving such weapons and ammunition are fully trained and vetted;

Travel ban

5. *Decides* that, until 31 January 2018, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided

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that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and calls upon the CAR Government to enhance cooperation and information sharing with other States in this regard;

6. *Encourages* Member States, as appropriate and in accordance with their domestic law and applicable international legal instruments and framework documents, to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee;

7. *Also encourages* Member States to report any such departures from their territories, or such attempted entry into or transit through their territories, of such individuals to the Committee, as well as sharing this information with the State of residence or nationality, as appropriate and in accordance with domestic law and international obligations;

8. *Urges* the CAR authorities, in their implementation of the measures set out in paragraph 5 above, to ensure that fraudulent, counterfeit, stolen, and lost passports and other travel documents, as well as invalidated diplomatic passports are removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

9. *Encourages* Member States to submit, where available and in accordance with their national legislation, photographs and other biometric data of individuals designated by the Committee for inclusion in INTERPOL-United Nations Security Council Special Notices;

10. *Decides* that the measures imposed by paragraph 5 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;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the CAR and stability in the region;

11. *Emphasizes* that violations of the travel ban can undermine the peace, stability or security of the CAR, observes that individuals or entities who knowingly facilitate the travel of a listed individual in violation of the travel ban may be determined by the Committee to have met the designation criteria provided for in this resolution and calls upon all parties and all Member States to cooperate with the Committee as well as the Panel of Experts on the implementation of the travel ban;

Asset freeze

12. *Decides* that all Member States shall, until 31 January 2018, continue to freeze without delay all funds, other financial assets and economic resources within their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee;

13. *Decides* that the measures imposed by paragraph 12 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 in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources,

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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 five 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 judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

14. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest 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;

15. *Decides* that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 12 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Designation criteria

16. *Decides* that the measures contained in paragraphs 5 and 12 shall apply to the individuals and entities designated by the Committee as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the stabilization and reconciliation process or that fuel violence;

17. *Further decides* in this regard that the measures contained in paragraphs 5 and 12 shall also apply to the individuals and entities designated by the Committee as:

(a) Acting in violation of the arms embargo established in paragraph 54 of resolution 2127 (2013) and extended by paragraph 1 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in the CAR, or as having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in the CAR;

(b) Involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;

(c) Involved in planning, directing or committing acts involving sexual and gender-based violence in the CAR;

(d) Recruiting or using children in armed conflict in the CAR, in violation of applicable international law;

(e) Providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, wildlife as well as wildlife products in or from the CAR;

(f) Obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR;

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(g) Involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them;

(h) Being leaders of an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014), paragraphs 11 or 12 of resolution 2196 (2015), paragraphs 12 or 13 of resolution 2262 (2016) or this resolution, or having provided support to, or acted for or on behalf of, or at the direction of, an individual or an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014), paragraphs 11 or 12 of resolution 2196 (2015), paragraphs 12 or 13 of resolution 2262 (2016) or this resolution, or an entity owned or controlled by a designated individual or entity;

18. *Welcomes* measures taken by Member States of the International Conference on the Great Lakes Region (ICGLR) to implement the Regional Initiative against Illegal Exploitation of Natural Resources as endorsed in the 2010 Lusaka Declaration, including promoting the use by economic actors of Due Diligence Frameworks such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, and encourages all States, particularly those in the region, to continue to raise awareness of the due diligence guidelines;

Sanctions Committee

19. *Decides* that the mandate of the Committee shall apply with respect to the measures imposed in paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) extended by this resolution;

20. *Emphasizes* the importance of holding regular consultations with concerned Member States, international and regional and subregional organizations, as may be necessary, in particular neighbouring and regional States, in order to ensure full implementation of the measures renewed by this resolution, and in that regard encourages the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members;

21. *Encourages* all Member States, in particular neighbouring States and Member States of the Economic Community of the Central African States (ECCAS) and of the Central African Economic and Monetary Community (CEMAC) to utilize the advance notification and exemption procedures pursuant to paragraph 1 of this resolution to return arms and related materiel of all types belonging to the FACA, or to implement technical assistance, training or other assistance related to military activities by the Central African national security and defence forces, and in this regard requests the Panel of Experts to provide the necessary assistance as per paragraph 28 (b) of this resolution;

22. *Requests* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 2, 5 and 12 above and to determine the appropriate course of action on each case, and requests the Chair, in regular reports to the Council pursuant to paragraph 37 below, to provide progress reports on the Committee's work on this issue;

23. *Recognizes* the KP's decision that the CAR may resume trade in rough diamonds from "compliant zones" established under conditions set forth by the KP, notes that the KP intends to keep the Security Council, the Committee and its Panel of Experts, and MINUSCA informed of its decisions and, requests the KP Chair of the Working Group on Monitoring to periodically update the Committee on the work of the KP CAR Monitoring Team, including any decisions on areas designated as "compliant zones" and decisions related to the trade of the stockpiles of rough diamonds held in the CAR;

24. *Calls for* enhanced vigilance from trading centres and States in the region to support the CAR authorities' efforts to re-establish legitimate trade and benefit from its natural resources; and commends the CAR for taking special measures to enhance traceability of diamonds from compliant zones so that diamonds are not used for the benefit of armed groups or to destabilize the CAR;

25. *Encourages* the KP to resolve the issue of the diamond stockpiles in cooperation with the CAR authorities and in consultation with the Panel of Experts;

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Panel of Experts

26. *Expresses* its full support for the Panel of Experts on the Central African Republic established pursuant to paragraph 59 of resolution 2127 (2013);

27. *Decides* to extend the mandate of the Panel of Experts until 28 February 2018, expresses its intent to review the mandate and take appropriate action regarding further extension no later than 31 January 2018 and requests the Secretary-General to take the necessary administrative measures as expeditiously as possible to support its action;

28. *Decides* that the mandate of the Panel of Experts shall include the following tasks, to:

(a) Assist the Committee in carrying out its mandate as specified in this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance, including to facilitate, upon request by Member States, assistance on capacity-building;

(c) Provide to the Security Council, after discussion with the Committee, a midterm report no later than 30 July 2017, and a final report by 31 December 2017, on the implementation of the measures imposed by paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 5 and 12 of this resolution;

(d) Submit progress updates to the Committee, especially in situations of urgency, or as the Panel deems necessary;

(e) Assist the Committee in refining and updating information on the list of individuals and entities designated by the Committee pursuant to the criteria renewed by paragraphs 16 and 17 above including through the provision of biometric information and additional information for the publicly available narrative summary of reasons for listing;

(f) Assist the Committee by providing information regarding individuals and entities that may meet the designation criteria in paragraphs 16 and 17 above, including by reporting such information to the Committee, as it becomes available, and to include in its formal written reports, the names of potential designees, appropriate identifying information, and relevant information regarding why the individual or entity may meet the designation criteria in paragraphs 16 and 17 above;

(g) Cooperate with the KP CAR Monitoring Team to support the resumption of exports of rough diamonds from the CAR and report to the Committee if the resumption of trade is destabilizing the CAR or benefiting armed groups;

29. *Requests* the Secretariat to provide to the Security Council, by 30 May 2017, options for the elaboration of benchmarks, in coordination with EUTM and other active partners in the field of SSR and in consultation with the CAR Authorities, to assess the arms embargo measures according to the progress of the SSR, including FACA and Internal Security Forces and their needs, as well as additional information on the Panel of Experts' recommended arms embargo working group to be potentially established within MINUSCA by the Security Council, including on the composition, tasks, functioning, resource requirements and implication with regards the implementation of MINUSCA's mandate, of such a working group, with reference to previous similar experiences in other UN Peacekeeping Missions;

30. *Calls upon* the Panel of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of their mandate;

31. *Expresses particular concern* about reports of illicit trafficking networks which continue to fund and supply armed groups in the CAR, and encourages the Panel, in the course of carrying out its mandate, to devote special attention to the analysis of such networks;

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32. *Urges* the CAR, its neighbouring States and other Member States of the ICGLR to cooperate at the regional level to investigate and combat criminal networks and armed groups involved in the illegal exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking;

33. *Urges* all parties, and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and the safety of its members;

34. *Further urges* all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

35. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

Reporting and review

36. *Calls upon* all States, particularly those in the region and those in which designated individuals and entities designated are based, to actively implement the measures contained in this resolution and to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 5 and 12 of this resolution;

37. *Requests* the Committee to report orally, through its Chair, at least once per year to the Council, on the state of the overall work of the Committee, including alongside the Special Representative of the Secretary-General for the CAR on the situation in the CAR as appropriate, and encourages the Chair to hold regular briefings for all interested Member States;

38. *Affirms* that it shall keep the situation in the CAR under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening through additional measures, modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the stabilization of the country and compliance with this resolution;

39. *Decides* to remain actively seized of the matter.

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