

**Draft Resolution on the Monitoring by the Security Council of Targeted Sanctions
and of Illicit Trafficking of High-Value Commodities in Armed Conflicts**

**Introduction by Ambassador Heinbecker
Tuesday, 19 December 2000**

Thank you, Mr President.

I will be very brief in introducing our draft resolution on monitoring targeted sanctions and illicit trafficking in high-value commodities in situations of armed conflict.

Perhaps the Secretariat could circulate the draft text.

Mr President,

The draft resolution incorporates two elements. One is the monitoring of the Council's targeted sanctions. My delegation is absolutely convinced that sanctions can be effective only if they are monitored. In the absence of monitoring, sanctions will be violated with impunity and the Council's credibility will erode accordingly.

The second element, on monitoring illicit trafficking in high-value commodities, is based on ideas put forward by the French delegation. We share completely their conclusion that such illicit trafficking can play an important role both in causing and prolonging armed conflict.

In a non-paper shared with Council colleagues some weeks ago we argued that monitoring could only be undertaken by a dedicated unit of the sort described in the draft resolution.

- The Secretariat could not undertake such monitoring as to do so would place the Secretary-General in an invidious position, at the risk of compromising his capacity to carry out his good-offices function.
- Simply extended, on an ongoing basis, the *ad hoc* mechanisms we have employed thus far would be inefficient and would pose an immense administrative burden for the Secretariat. Expertise is lost; efforts are duplicated; no money is saved.

What we are proposing instead is the creation of a small unit, on the model of an ongoing Panel of Experts, that would be appointed and administered by the Secretary-General but that would report directly to the Security Council – in the case of the sanctions, via the appropriate sanctions committee.

The existing functions of the Secretariat's Subsidiary Organs Branch and of the Sanctions Committees themselves, would not be affected.

The Council now finds itself with two major sanctions-related reports before it. A third, the report of the Working Group on general sanctions issues, is to follow shortly.

This draft resolution is envisaged as an initial response to the reports of the monitoring bodies. It would demonstrate that the Council took such monitoring seriously. More to the point, it would allow monitoring to resume as quickly as possible.

We recognize that we are at the very end of the life of this Council but believe that we should make every effort to adopt this resolution this year.

With regard to the content of the draft resolution:

OP3 would retain the language from SCR 1295, on the Council's willingness to consider appropriate action in accordance with the Charter of the United Nations in relation to States it determines to have violated the measures adopted under Article 41 of the Charter of the United Nations. By "action" we do not necessarily mean secondary sanctions. The intention is that the range of options open to the Council should be as broad as possible.

OP4 would set out the mandate for the Monitoring Office: (i) to monitor, on an ongoing basis, violations of the targeted measures adopted under Article 41 of the Charter of the United Nations and illicit trafficking of high-value commodities in situations of armed conflict. Specifically, the Office would:

- i. undertake investigations and analysis, including through visits to relevant countries, and report to the Security Council, through the appropriate Sanctions Committees, on the sources and methods of violations of the targeted measures adopted under Article 41 of the Charter of the United Nations, on steps to be taken to improve the effectiveness of those measures, and, where appropriate, on the continued utility of those measures,
- ii undertake investigations and analysis, including through visits to relevant countries, and report to the Security Council on the sources and methods of illicit trafficking of high-value commodities in situations of armed conflict, and,
- ii maintain effective, collaborative working relationships with relevant sub-regional, regional and international organizations, including the International Criminal Police Organizations (Interpol), and with other relevant sources of expertise,

OP5 would make clear that, with regard to targeted sanctions, the Monitoring Office would operate only in relation to those targeted measures formally referred to it by the Security Council.

OP6 would refer to the Office the Angola and Sierra Leone sanctions regimes, and would request reports on both at six-month intervals.

OP7 would convey the Council's willingness to consider so referring its other targeted sanctions. In each and every case, a formal decision of the Council would be required. Of course, the existence of the Office would have no bearing on how long those sanctions remained in effect. The Council would retain full discretion in this regard.

OP8 and OP9 would elaborate on the mandate of the Office with regard to illicit trafficking in high-value commodities. And OP10 would assign to it responsibility for the tasks carried out by the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth in the DRC once the Panel's mandate had ended.

OP11 would ask the SC to appoint the personnel of the Office, in consultation with the Council and bearing in mind the need for equitable geographical representation. Again, we have in mind a small staff, of 10-20 professional staff. That figure could be included in the body of the resolution, if colleagues so wished.

Finally, OP12 would establish an initial mandate of two years' duration.

We propose that experts meet at 10:30 tomorrow for an initial discussion of the text, in the NAM Consultation Room.

Thank you, Mr President.

4. *Decides* that the United Nations Monitoring Office, in the discharge of the mandate described in paragraphs 4(ii) above, will:

- i. determine the list of high-value commodities the illicit exploitation, processing and exporting of which contributes to financing or sustaining armed conflicts;
- ii collect and verify information, public or not, including those provided by Members States, relevant international organizations and non governmental organizations, on illicit trafficking of high-value commodities fuelling armed conflicts or motivating their continuation as well as data on real productive and exporting capacities of countries, and examine measures taken by the States concerned or relevant professional organisations to eliminate such trafficking;
- iii analyse the links between illicit trafficking of high-value commodities, trafficking of arms and related materiel and the continuation of armed conflicts;
- iv make recommendations to the Security Council, including on preventive measures and on comprehensive or specific measures aimed at prohibiting the illicit exploitation and trade of high-value commodities fuelling armed conflicts or motivating their continuation;

9. *Determines* that illicit trafficking refers to the exploitation, processing and exporting carried out outside any legal framework as set out by national and/or international legislation, including Security Council resolutions and international legal instruments such as the one envisaged for diamonds, and also including those implemented through a governmental certification system;

10. *Decides* to refer to the United Nations Monitoring Office the issue of the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, following the completion of the mandate of the Panel of Experts established pursuant to the statement of its President of 2 June 2000;

11. *Requests* the Secretary-General to appoint the personnel of the United Nations Monitoring Office, in consultation with the Security Council and bearing in mind the need for equitable geographical representation, including individuals with technical expertise in the relevant investigative methods, individuals with substantive expertise in the area of diamonds and other high-value commodities and in each of the other areas relevant to the targeted measures adopted under Article 41 of the Charter of the United Nations, including weapons and military assistance, petroleum and other resources, financial arrangements, travel and representation, and air transport, and administrative and management personnel to administer all aspects of the investigations and other work undertaken by the Office at headquarters and in the field, and *further requests* the Secretary-General to supplement the permanent staff of the Office, as a matter of course, through the appointment, for fixed terms, of experts drawn from outside the Organization, including officers seconded from relevant international organizations such as Interpol;

12. *Decides* that the United Nations Monitoring Office shall be established for an initial, renewable period of 24 months duration, ending XX December 2002;
13. *Calls upon* all States to cooperate with the United Nations Monitoring Office in the discharge of its mandate;
14. *Decides* to remain actively seized of the matter.