A.L. 378 ta' l-2003

ATT DWAR POTERI LI JSIRU REGOLAMENTI FL-INTERESS NAZZJONALI (KAP. 365)

Regolamenti ta' l-2003 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Demokratika tal-Kongo

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 ta' l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:–

Titolu.

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2003 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika Demokratika tal-Kongo.

Tifsir.

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra –

"l-Att" tfisser l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali;

"MONUC" tfisser il-Missjoni tan-Nazzjonijiet Uniti fir-Repubblika Demokratika tal-Kongo.

Test tar-Riżoluzzjoni 1493 (2003).

3. Għall-fini ta' l-artikolu 3(4) ta' l-Att, ir-Riżoluzzjoni numru 1493 (2003) adottata mill-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti fit-28 ta' Lulju, 2003, qegħda tiġi ppubblikata bl-Ingliż fl-Ewwel Skeda li tinsab ma' dawn ir-regolamenti.

Projbizzjoni ta' bejgħ jew provvista ta' armi jew materjal relatat eċċ.

4. (1) Minkejja d-disposizzjonijiet ta' kull liġi oħra, u bla ħsara għas-subregolament (2) ta' dan ir-regolament, huwa projbit il-forniment, bejgħ jew trasferiment, b'kull mod li jkun, minn xi persuna f'Malta jew minn xi ċittadin jew residenti permanenti ta' Malta, sew jekk dan isir f'Malta jew band'oħra, jew bl-użu ta' bastimenti reġistrati f'Malta jew inġenji ta' l-ajru reġistrati f'Malta, ta' armi u materjal relatat ta' kull tip, u l-provvista ta' kull assistenza, parir jew taħriġ li jkollhom x'jaqsmu ma' attivitajiet militari, lil gruppi armati u milizji, kemm barranin kif ukoll dawk mill-Kongo, li joperaw fit-territorju tat-Tramuntana u Nofsinhar ta' Kivu u ta' Ituri, u lil gruppi li ma jifformawx parti mill-*Global and All-inclusive agreement*, fir-Repubblika Demokratika tal-Kongo.

(2) Id-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament ma għandhomx japplikaw għal –

(a) provvisti lil MONUC, jew lill-Interim Emergency Multinational Force miġbura f'Bunia, u l-armata nazzjonali u l-korp tal-pulizija integrati tal-Kongo.

(b) provvisti ta' tagħmir militari mhux letali li jkunu unikament intiżi għal użu umanitarju jew protettiv, u assistenza jew taħriġ tekniku relatat, kif avżat bil-quddiem lis-Segretarju Ġenerali mir-Rappreżentant Speċjali tiegħu.

Piena.

5. Kull min jinsab ħati ta' reat kontra dawn ir-regolamenti jista', meta jinsab ħati, jeħel multa ta' mhux iżjed minn ħamsin elf lira Maltija.

L-EWWEL SKEDA

(Regolament 3)

Resolution 1493 (2003) Adopted by the Security Council at its 4797th meeting, on 28 July 2003

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and all the States of the region,

Reaffirming also the obligations of all States to refrain from the use of force against the territorial integrity and political independence of any State or in any other manner incompatible with the purposes and principles of the United Nations,

Concerned by the continued illegal exploitation of the natural resources of the Democratic Republic of the Congo, and *reaffirming* in this regard its commitment to respect for the sovereignty of the Democratic Republic of the Congo over its natural resources,

Welcoming the conclusion of the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo (signed in Pretoria on 17 December 2002), and the subsequent establishment of the Government of National unity and Transition,

Deeply concerned by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and in Ituri, and by the grave violations of human rights and of international humanitarian law that accompany them,

Recalling that it is incumbent on all the parties to cooperate in the overall deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Renewing its support to the Interim Emergency Multinational Force deployed in Bunia and *stressing* the need to ensure effective and timely replacement of the Force, as requested in resolution 1484 (2003), to contribute in the best way to the stabilization of Ituri,

Taking note of the second special report of the Secretary-General on MONUC, of 27 May 2003 (S/2003/566), and of its recommendations,

Taking note also of the report of the Security Council Mission to Central Africa, of 18 June 2003 (S/2003/653),

Noting 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. *Expresses satisfaction* at the promulgation, on 4 April 2003, of the Transitional Constitution in the Democratic Republic of the Congo and at the formation, announced on 30 June 2003, of the Government of National unity and Transition, *encourages* the Congolese parties to take the necessary decisions in order to allow the transitional institutions to begin functioning effectively, and *encourages* them also in this regard to include representatives of the interim institutions that emerged from the *Ituri Pacification Commission* in the transitional institutions;

2. *Decides* to extend the mandate of MONUC until 30 July 2004;

3. *Notes with appreciation* the recommendations in the second special report of the Secretary-General and *authorizes* increasing the military strength of MONUC to 10,800 personnel;

4. *Requests* the Secretary-General to ensure, through his Special Representative for the Democratic Republic of the Congo, who convenes the International Committee

in support of the Transition, the coordination of all the activities of the United Nations system in the Democratic Republic of the Congo, and to facilitate coordination with other national and international actors of activities in support of the transition;

5. *Encourages* MONUC, in coordination with other United Nations agencies, donors and non-governmental organizations, to provide assistance, during the transition period, for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections, throughout the territory of the Democratic Republic of the Congo, and *welcomes*, in this regard, the efforts of the Member States to support the transition and national reconciliation;

6. *Approves* the temporary deployment of MONUC personnel intended, during the first months of the establishment of the transitional institutions, to participate in a multi-layer security system in Kinshasa in accordance with paragraphs 35 to 38 of the second special report of the Secretary-General, *approves also* the reconfiguration of the MONUC civilian police component as outlined in paragraph 42 of that report, and *encourages* MONUC to continue to support police development in areas of urgent need;

7. *Encourages* donors to support the establishment of an integrated Congolese police unit and *approves* the provision by MONUC of the additional assistance that might be needed for its training;

8. *Strongly condemns* the acts of violence systematically perpetrated against civilians, including the massacres, as well as other atrocities and violations of international humanitarian law and human rights, in particular, sexual violence against women and girls, *stresses* the need to bring to justice those responsible, including those at the command level, and *urges* all parties, including the Government of the Democratic Republic of the Congo, to take all necessary steps to prevent further violations of human rights and international humanitarian law, in particular those committed against civilians;

9. *Reaffirms* the importance of a gender perspective in peacekeeping operations in accordance with resolution 1325 (2000), *recalls* the need to address violence against women and girls as a tool of warfare, and in this respect *encourages* MONUC to continue to actively address this issue; and *calls* on MONUC to increase the deployment of women as military observers as well as in other capacities;

10. *Reaffirms* that all Congolese parties have an obligation to respect human rights, international humanitarian law and the security and well-being of the civilian population;

11. *Urges* the Government of National unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-inclusive agreement, *encourages* the Secretary-General, through his Special Representative, and

the United Nations High Commissioner for Human Rights to coordinate their efforts in particular to assist the transitional authorities of the Democratic Republic of the Congo in order to put an end to impunity, and *encourages also* the African Union to play a role in this regard;

12. *States that it is profoundly preoccupied* by the humanitarian situation throughout the country and, in particular, in the eastern regions, and *demands* that all the parties guarantee the security of the civilian population thereby enabling MONUC and humanitarian organizations to have total, unrestricted and immediate access to the population groups in need;

13. *Strongly condemns* the continued recruitment and use of children in the hostilities in the Democratic Republic of the Congo, especially in North and South Kivu and in Ituri, and *reiterates* the request addressed to all the parties, in Security Council resolution 1460 (2003) to provide the Special Representative of the Secretary-General with information on the measures that they have taken to put an end to the recruitment and use of children in their armed components, as well as the requests concerning the protection of children set forth in resolution 1261 (1999) and subsequent resolutions;

14. *Strongly condemns* the continuing armed conflict in the eastern part of the Democratic Republic of the Congo especially the serious ceasefire violations that occurred recently in North and South Kivu, including in particular the offensives by the Congolese Rally for Democracy (RCD-Goma), *demands* that all the parties, in compliance with the Bujumbura "Acte d'Engagement" of 19 June 2003, establish without delay or precondition the full cessation of hostilities and withdraw to the positions agreed to in the Kampala/Harare disengagement plans, and that they refrain from any provocative action;

15. *Demands* that all the parties desist from any interference with freedom of movement of United Nations personnel, *recalls* that all the parties have the obligation to provide full and unhindered access to MONUC to allow it to carry out its mandate, and *asks* the Special Representative of the Secretary-General to report any failure to comply with this obligation;

16. *Expresses concern* at the fact that the continuing hostilities in the eastern part of the Democratic Republic of the Congo are seriously compromising MONUC action in the process of the disarmament, demobilization, repatriation, reintegration or resettlement (DDRRR) of the foreign armed groups referred to in chapter 9.1 of the Lusaka Ceasefire Agreement (S/1999/815), *urges* all the parties concerned to cooperate with MONUC and *underscores* the importance of making rapid and appreciable progress in that process;

17. *Authorizes* MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants who may voluntarily decide to enter the disarmament, demobilization and reintegration (DDR) process within the

framework of the Multi-Country Demobilization and Reintegration Programme, pending the establishment of a national DDR programme in coordination with the United Nations Development Programme and other agencies concerned;

18. *Demands* that all States and in particular those in the region, including the Democratic Republic of the Congo, ensure that no direct or indirect assistance, especially military or financial assistance, is given to the movements and armed groups present in the Democratic Republic of the Congo;

19. *Demands* that all parties provide full access to MONUC military observers, including in ports, airports, airfields, military bases and border crossings, and *requests* the Secretary-General to deploy MONUC military observers in North and South Kivu and in Ituri and to report to the Security Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in that region;

20. *Decides* that all States, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo;

21. *Decides* that the measures imposed by paragraph 20 above shall not apply to:

– supplies to MONUC, the Interim Emergency Multinational Force deployed in Bunia and the integrated Congolese national army and police forces;

– supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through its Special Representative;

22. *Decides* that, at the end of the initial 12 months, the Security Council will review the situation in the Democratic Republic of the Congo and in particular in the eastern part of the country, with a view to renewing the measures stipulated in paragraph 20 above if no significant progress has been made in the peace process, in particular an end to support for armed groups, an effective ceasefire and progress in the DDRRR by foreign and Congolese armed groups;

23. *Expresses its determination* closely to monitor compliance with the measures laid down in paragraph 20 and to consider necessary steps to ensure the effective monitoring and implementation of these measures, including the possible establishment of a monitoring mechanism;

24. *Urges* the States neighbouring the Democratic Republic of the Congo, particularly Rwanda and Uganda, which have an influence over movements and armed groups operating in the territory of the Democratic Republic of the Congo, to exercise a positive influence on them to settle their disputes by peaceful means and join in the process of national reconciliation;

25. *Authorizes* MONUC to take the necessary measures in the areas of deployment of its armed units, and as it deems it within its capabilities:

– to protect United Nations personnel, facilities, installations and equipment;

– to ensure the security and freedom of movement of its personnel, including in particular those engaged in missions of observation, verification or DDRRR;

– to protect civilians and humanitarian workers under imminent threat of physical violence;

– and to contribute to the improvement of the security conditions in which humanitarian assistance is provided;

26. *Authorizes* MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deems it within its capabilities, in North and South Kivu;

27. *Requests* the Secretary-General to deploy in the Ituri district, as soon as possible, the tactical brigade-size force whose concept of operation is set out in paragraphs 48 to 54 of his second special report, including the reinforced MONUC presence in Bunia by mid-August 2003 as requested in resolution 1484 (2003), particularly with a view to helping to stabilize the security conditions and improving the humanitarian situation, ensuring the protection of airfields and displaced persons living in camps and, if the circumstances warrant it, helping to ensure the security of the civilian population and the personnel of the United Nations and the humanitarian organizations in Bunia and its environs and eventually, as the situation permits, in other parts of Ituri;

28. *Condemns* categorically the illegal exploitation of the natural resources and other sources of wealth of the Democratic Republic of the Congo and *expresses its intention* to consider means that could be used to end it, *awaits with interest* the report to be submitted shortly by the group of experts on such illegal exploitation and on the link that exists between it and the continuation of hostilities, and *demands* that all parties and interested States offer full cooperation to the group of experts;

29. *Encourages* the Governments of the Democratic Republic of the Congo, Rwanda, Uganda and Burundi to take steps to normalize their relations and cooperate in assuring mutual security along their common borders, and *invites* these Governments to conclude good-neighbourly agreements among themselves;

30. *Reaffirms* that an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with participation by all the Governments of the region and all the other parties concerned, should be organized at the appropriate time under the aegis of the United Nations and the African Union with a view to strengthening stability in the region and working out conditions that will enable everyone to enjoy the right to live peacefully within national borders;

31. *Reiterates its support* unreservedly for the Special Representative of the Secretary-General and for all MONUC personnel, and for the efforts they continue to make to assist the parties in the Democratic Republic of the Congo and in the region to advance the peace process;

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