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Department of Political Affairs

**Repertoire of the Practice
of the Security Council**

Supplement 2000-2003

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Introduction

The present publication, in two volumes, constitutes the fourteenth supplement to the *Repertoire of the Practice of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 4087th meeting, on 10 January 2000, to the 4891st meeting, on 22 December 2003.

The *Repertoire* was mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, entitled “Ways and means for making the evidence of customary international law more readily available”. It is a guide to the proceedings of the Council and sets forth in a readily accessible form the practices and procedures to which the Council has had recourse. The *Repertoire* is not intended as a substitute for the records of the Council, which constitute the only comprehensive and authoritative account of its deliberations.

The categories employed to arrange the material are not intended to suggest the existence of procedures or practices that have not been clearly or demonstrably established by the Council itself. The Council is at all times, within the framework of the Charter of the United Nations, its own provisional rules of procedure, and practice established through notes by the President of the Security Council, master of its own procedure.

In recording the Council’s practice, the headings under which the practices and procedures of the Council were presented in the original publication have been largely retained. Where necessary, however, adjustments have been made to better reflect the Council’s practice. For ease of reference, the studies contained in chapter VIII are organized according to region or thematic issues. This introduction contains a table indicating the membership of the Security Council during the period under review.

The agenda items considered by the Council during 2000-2003, and the meetings at which they were considered, are presented in a table hereunder in the order in which the items were initially taken up during the period.

* * *

Symbols of United Nations documents are composed of letters combined with figures. Security Council documents are indicated by a symbol such as S/2000/537. References to the verbatim records of meetings of the Council are given in the form S/PV.4886, meetings being numbered consecutively, starting with the first meeting in 1946. As in previous recent supplements, reference is made in this Supplement only to the provisional verbatim records of Security Council meetings, as the practice of publishing the meeting records in the *Official Records* has been discontinued.

The resolutions adopted by the Security Council and most of the statements by the President are published in the yearly volumes of *Resolutions and Decisions of the Security Council*. Resolutions are identified by a number followed by the year of adoption in parentheses, for example, resolution 1324 (2000). Statements by the President not included in the yearly volumes are recorded in the relevant verbatim records.

Readers who wish to consult the full record of a meeting or the text of a Security Council document referred to in the *Repertoire* may do so on the official United Nations Documentation Centre website, www.un.org/en/documents/. Security Council documents can be accessed on the website by selecting “Official Document System (ODS)” or one of the direct links to specific categories of documents. The volumes of resolutions and decisions may be accessed by symbol (S/INF/56, for 2000; S/INF/57, for 2001/02; S/INF/58, for 2002/03; and S/INF/59, for 2003/04). The original *Repertoire* and the other supplements may be consulted at www.un.org/en/sc/repertoire.

Members of the Security Council, 2000-2003

<i>Member</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Angola				•
Argentina	•			
Bangladesh	•	•		
Bulgaria			•	•
Cameroon			•	•
Canada	•			
Chile				•
China (permanent member)	•	•	•	•
Colombia		•	•	
France (permanent member)	•	•	•	•
Germany				•
Guinea			•	•
Ireland		•	•	
Jamaica	•	•		
Malaysia	•			
Mali	•	•		
Mauritius		•	•	
Mexico			•	•
Namibia	•			
Netherlands	•			
Norway		•	•	
Pakistan				•
Russian Federation (permanent member)	•	•	•	•
Singapore		•	•	
Spain				•
Syrian Arab Republic			•	•

<i>Member</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Tunisia	•	•		
Ukraine	•	•		
United Kingdom of Great Britain and Northern Ireland (permanent member)	•	•	•	•
United States of America (permanent member)	•	•	•	•

**Items considered by the Security Council at formal meetings,
2000-2003**

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<hr/>	
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¹ As from 4646th meeting, held on 14 November 2002, the item "The situation in East Timor" was revised to read "The situation in Timor-Leste".

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Chapter I

Provisional rules of procedure of the Security Council and related procedural developments

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Introductory note

Article 30 of the Charter of the United Nations provides that the Security Council shall adopt its own rules of procedure, including the method of selecting its President. The Preparatory Commission of the United Nations, established 26 June 1945 to make provisional arrangements for the first sessions of the organs of the United Nations, including the Security Council, discussed at some length whether it should recommend provisional rules of procedure to the Security Council or whether the rules should be formulated from inception by the Council. The text of the rules as recommended was a compromise between those who desired more comprehensive rules and those who considered that the whole subject should be left to the Security Council.

The Security Council adopted provisional rules of procedure at its first meeting held on 17 January 1946, and has amended them eleven times.¹ During the period under review, the Council did not consider the adoption or amendment of its provisional rules of procedure. Some members of the Council did however, in their interventions, note the need for the review or updating of the provisional rules of procedure. For instance, at the 4616th meeting, held on 26 September 2002 to consider the draft report of the Security Council to the General Assembly, the representative of Singapore noted “it is remarkable that the Council’s rules of procedure remain provisional after 57 years”.² He further cited the recommendation of the Secretary-General, contained in his report entitled “Strengthening the United Nations: an agenda for further change”³ that the Security Council “might consider codifying the recent changes in its own practice”.⁴ The representative of France, however, questioned whether further codification was necessary and favoured developing the Council’s working methods without “getting bogged down too much in codification”.⁵ Similarly, the representative of the United Kingdom was of the opinion that it was not necessary to institutionalize, but to “achieve results in practice”.⁶

From 2000 to 2003, the Council took a number of steps to improve its working methods and procedure,⁷ which included the following: attendance by newly elected members during the month preceding their term;⁸ inclusion and circulation of printed fact sheets for briefings by the Secretariat to Council members;⁹

¹ The provisional rules of procedure of the Security Council were amended five times during its first year, at its 31st, 41st, 42nd, 44th and 48th meetings on 9 April, 16 and 17 May, 6 and 24 June 1946; twice in its second year at the 138th and 222nd meetings, on 4 June and 9 December 1947; at its 468th meeting on 28 February 1950; at its 1463rd meeting, on 24 January 1969; at its 1761st meeting, on 17 January 1974; and at its 2410th meeting, on 21 December 1982. The provisional rules of procedure have been issued under the symbols S/96 and S/96/Rev.1-7.

² S/PV.4616, p. 3.

³ A/57/387 and Corr.1, para. 21.

⁴ S/PV.4616, p. 4.

⁵ *Ibid.*, p. 8.

⁶ *Ibid.*, p. 11.

⁷ By a letter dated 6 September 2002, the President of the Security Council drew the attention of the Secretary-General to a descriptive index of notes and statements by the President of the Security Council relating to documentation and procedure (S/2002/1000, annex). The descriptive index was updated in the note by the President of the Security Council of 7 February 2006 (S/2006/78).

⁸ S/2000/155 and S/2002/1276.

⁹ S/2002/316.

communication and dissemination by the President and Secretariat of Council decisions and statements to the press as well as issuance of statements to the press made by the President as United Nations press releases.¹⁰ New arrangements were also introduced for consultation and exchange of information with troop-contributing countries.¹¹

The material in the present chapter follows the order of the relevant chapters of the provisional rules of procedure: part I, Meetings (rules 1-5); part II, Representation and credentials (rules 13-17); part III, Presidency (rules 18-20); part IV, Secretariat (rules 21-26); part V, Conduct of business (rules 27-36); part VI, Languages (rules 41-47); part VII, Publicity of meetings, records (rules 48-57).

The practice of the Council in relation to some of the provisional rules of procedure is more appropriately dealt with in other chapters of this *Supplement*, as follows: rules 6 to 12, in chapter II (Agenda); rule 28, in chapter V (Subsidiary organs of the Security Council); rules 37 and 39, in chapter III (Participation in the proceedings of the Security Council); rule 40, in chapter IV (Voting); rules 58 to 60, in chapter VII (Practice relative to recommendations to the General Assembly regarding membership in the United Nations); and rule 61, in chapter VI (Relations with other United Nations organs).

The material in chapter I relates to questions that arose regarding the application of a certain rule, especially when there was a discussion regarding variations from the Council's usual practice. The case histories presented here do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems or issues that have arisen in the proceedings of the Council under its provisional rules of procedure.

¹⁰ S/2001/640.

¹¹ S/2002/964.

Part I Meetings (rules 1-5)

Note

The material in section A reflects the practice of the Council in relation to provisions of Article 28 of the Charter, and indicates special instances of the interpretation or application of rules 1 to 5 on the convening and place of Security Council meetings. During the period under review, there were two instances falling under rule 1, one case under rule 2 (case 1) and two cases under rule 4 (cases 2 and 3). There were no special instances of the application of rule 5. Section B includes a number of procedural developments relating to meetings that occurred during the period under review.

During the period under review, in two instances, dealt with under rule 1, meetings were not convened within the interval of 14 days.

In one case, dealt with under rule 2, a request for convening an urgent meeting of the Security Council was made and generated a number of complaints on the timing (case 1).

The meeting of the Security Council held on 7 September 2000 at the level of Heads of State or Government has been included under rule 4, although it was not convened explicitly under that rule or Article 28 (2) of the Charter (case 2).¹² Four ministerial-level meetings, convened between 2000 and 2003, have also been included (case 3).¹³ In addition, reference is provided to a number of meetings that enjoyed the high-level participation of representatives of both members and non-members of the Council. In fact, during the review period it became a common practice

¹² At the 1544th meeting, on 12 June 1970, the President announced the Council's decision to hold a periodic meeting, in accordance with Article 28 (2), and outlined broadly the nature and purposes of periodic meetings.

¹³ In one instance, the Secretary-General encouraged the Council to utilize high-level meetings on thematic issues more often. At the 4174th meeting, held on 20 July 2000 in connection with the prevention of armed conflicts, the Secretary-General suggested that, as some of the Charter's provisions related to prevention had been underutilized, the Council could hold "periodic meetings at the foreign minister level, as provided for in Article 28" to discuss thematic or actual prevention issues. See S/PV.4174, p. 3.

of Ministers for Foreign Affairs or other high-ranking officials of the Presidency to preside over some of the meetings during their term.¹⁴ Non-members participating in the same deliberations were correspondingly represented at a high level.

During the period under review, the members of the Council continued to meet frequently in the format of informal consultations of the whole. Aside from official meetings and informal consultations of the whole, Council members maintained the practice of informal activities¹⁵ as opportunities for a further and candid exchange of views and for strategic reassessment of their work.

A. Special cases concerning the application of rules 1-5

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred to in rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

From 2000 to 2003, two cases fell under rule 1 when Council meetings were not convened within the

¹⁴ For instance, during the United States presidency, the Vice-President of the United States presided over the 4087th meeting, held on 10 January 2000 on the issue of Africa and AIDS (see S/PV.4087). In addition, apart from meetings designated as summit and ministerial levels, a number of Council members held one or more meetings during their Presidencies that were presided over by their Ministers for Foreign Affairs, and not by their permanent representatives to the United Nations. See, for example, S/PV.4485, S/PV.4701, S/PV.4739, S/PV.4753 and S/PV.4414.

¹⁵ Such informal activities included the Arria-formula meetings, monthly luncheons and annual retreats with the Secretary-General, annual workshops for newly elected members of the Council (see document S/2004/135 containing the report of the first such workshop held in December 2003) as well as seminars and workshops conducted in collaboration with the United Nations Institute for Training and Research (UNITAR) and such entities as the International Peace Academy and Columbia University.

interval of 14 days: 19 days between the 4253rd meeting on 22 December 2000 and the 4254th (closed) meeting on 11 January 2001; and 19 days between the 4445th meeting on 21 December 2001 and the 4446th (closed) meeting on 10 January 2002.¹⁶ However, no questions arose in the proceedings of the Council on this matter.

Rule 2

The President shall call a meeting of the Security Council at the request of any member of the Security Council.

Case 1

By a note verbale dated 20 September 2002,¹⁷ addressed to the President of the Security Council, the representative of the Syrian Arab Republic informed the President of his delegation's support for the convening of an immediate meeting of the Security Council to consider the latest developments in the occupied Palestinian territories, as previously requested by the Chairman of the Arab Group.¹⁸

At the Council's 4614th meeting, held on 23 September 2002 in connection with the situation in the Middle East, including the Palestinian question,¹⁹ the representative of the Syrian Arab Republic, while thanking the President of the Security Council for convening the meeting, noted that "it was somewhat delayed".²⁰ He added that he did not understand the delay, in view of the fact that the situation in the region was "boiling".²¹ The representative of Palestine also regretted the "unwarranted" delay in convening the meeting.²²

¹⁶ An interval of 20 days also occurred between the 4891st meeting on 22 December 2003 and the 4892nd meeting on 12 January 2004. For details, see the fifteenth Supplement to the *Repertoire*.

¹⁷ S/2002/1056.

¹⁸ S/2002/1055.

¹⁹ S/PV.4614.

²⁰ *Ibid.*, p. 18.

²¹ *Ibid.*

²² *Ibid.*, p. 5.

Rule 3

The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

During the period under review, there were no special instances of the application of rule 3.

Rule 4

Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held twice a year, at such times as the Security Council may decide.

Case 2

On the occasion of the Millennium Summit of the General Assembly, at its 4194th meeting on 7 September 2000, the Council also held a summit meeting²³ at the level of Heads of State or Government,²⁴ in order to discuss the need to ensure an effective role for the Council in the maintenance of international peace and security, particularly in Africa. This constituted the second such instance in the Council's history after the summit meeting held on 31 January 1992.²⁵ In his introductory comments, the President (Mali) stated that "this extraordinary meeting" was an opportunity for "providing the human, financial and material resources necessary" for the United Nations "more effectively to deal with conflict situation and to shoulder its incomparable responsibility to ensure and guarantee world peace".²⁶ During the course of the meeting, the representative of the Russian Federation stated that "in the new century it might be well to make more frequent use of high-level summit meetings — and not only at United Nations Headquarters in New York, but also at

²³ S/PV.4194. The decision to hold a summit meeting was announced by the President on 4 August 2000 in a statement to the media (see S/2000/772).

²⁴ Fourteen members of the Council were represented at the level of the Heads of State or Government. One member was represented by its Minister for Foreign Affairs.

²⁵ S/PV.3046. For details, see chapter I, case 5, of the eleventh Supplement.

²⁶ S/PV.4194, p. 3.

locations closer to the events” the Council was dealing with.²⁷

Case 3

The Council on four occasions designated its meetings to be at the ministerial level.²⁸ At numerous other meetings held during the period under review, the members of the Council were represented by Heads of State or Government or by representatives of ministerial rank.²⁹

At the 4432nd meeting, held on 30 November 2001 in connection with the wrap-up discussion on the work of the Security Council for the month of November, a number of members stressed the importance and usefulness of the high-level meetings, stating that the Council should maintain the practice of meeting at ministerial level on occasion.³⁰ Others cautioned against regularizing ministerial-level meetings.³¹ The representative of the United Kingdom of Great Britain and Northern Ireland remarked, in particular, that the value of ministerial-level discussion was often that it was rare and gave a particular impetus to a particular subject at a particular time.³² Ireland saw great value in the practice but noted the risk of

setting up a hierarchy of importance of Council meetings.³³ The representative of the United States of America stated that since Security Council meetings at the ministerial level represented an important instrument, their impact should not be diluted.³⁴

B. Procedural developments relating to meetings

From 2000 to 2003, the Council witnessed, inter alia, a number of significant procedural developments relating to the format of meetings which will be briefly introduced below: (a) the introduction of private meetings open to all non-members; (b) the holding of “wrap-up sessions”; (c) the formalization of the consultative mechanism with countries contributing troops to peacekeeping operations; and (d) the revitalization of Security Council missions.

Private meetings open to all non-members

During the period under review, the Security Council held private meetings open to the entire membership of the Organization.³⁵ These meetings, closed to the media and the public, were announced in the *Journal of the United Nations* as being open to non-members of the Security Council who wished to attend. Consequently, non-members attended the private meetings without having to submit a letter of request for participation.

Wrap-up meetings

In June 2001, the Council met in public for the first time to evaluate procedural and substantive aspects of its work during the month in a “wrap-up session”.³⁶ During the period under review, the Council periodically held wrap-up sessions, which at first involved only the participation of Council members and subsequently included the participation of non-members.³⁷

²⁷ Ibid., p. 11.

²⁸ See 4413th meeting of 12 November 2001 on “Threats to international peace and security caused by terrorist acts” (attended by 15 ministerial-level representatives); 4607th meeting of 11 September 2002 on “High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism” (attended by 1 Head of State and Government and 13 ministerial-level representatives); 4688th meeting of 20 January 2003 on “High-level meeting of the Security Council: combating terrorism” (attended by 13 ministerial level representatives); and 4833rd meeting of 24 September 2003 on “Justice and the rule of law: the United Nations role” (attended by 11 ministerial-level representatives).

²⁹ See for instance the 4414th meeting, held on 13 November 2001, on the situation in Afghanistan in which 12 Council members were represented by their Foreign Ministers; the 4460th meeting, held on 29 and 30 January 2002 on the situation in Africa; and four meetings on the situation between Iraq and Kuwait in February and March 2003 (4701st, 4707th, 4714th and 4721st meetings).

³⁰ S/PV.4432, p. 3 (Mauritius); p. 4 (Russian Federation); p. 9 (Tunisia); and p. 16 (Ukraine).

³¹ Ibid., p. 6 (United Kingdom); p. 8 (Ireland); p. 11 (France); p. 12 (China); and p. 17 (United States).

³² Ibid., p. 6.

³³ Ibid., p. 8.

³⁴ Ibid., p. 17.

³⁵ See S/2002/603, p. 5.

³⁶ Ibid.

³⁷ See S/PV.4343 and S/PV.4363 (in this connection, see also two papers outlining the framework for exchange of views at the respective meetings (S/2001/822, annex and S/2001/1140, annex)); S/PV.4432; S/PV.4445; S/PV.4466; S/PV.4482; S/PV.4547 (in this connection,

Meetings with troop-contributing countries

One of the major developments relating to meetings during the 2000-2003 period was the establishment of a formal mechanism for consultation and exchange of information with troop-contributing countries in the format of public or private meetings, following the adoption of resolution 1353 (2001).

At its 4220th meeting held on 13 November 2000 in connection with the item entitled "Ensuring an effective role of the Security Council in the maintenance of international peace and security: letter dated 10 November 2000 from the Chairman of the Security Council Working Group on the Brahimi report addressed to the President of the Security Council",³⁸ the Council adopted resolution 1327 (2000), by which it endorsed the recommendations of the Panel on United Nations Peace Operations on strengthening the existing consultations between troop-contributing countries, the Council and the Secretariat.³⁹ At that meeting, several Council members supported the recommendations in their explanations of vote.⁴⁰ The representative of Jamaica underscored that the use of private meetings between potential and current contributors before and after the establishment of a peacekeeping mission was a step which Jamaica believed should be pursued in earnest.⁴¹

see also the summary paper of the meeting (S/2002/622)); S/PV.4562 (in this connection, see also the summary paper of the meeting (S/2002/759) and the note verbale for the preparation of the wrap-up session (S/2002/701)); S/PV.4677 (in this connection, see also the background document on the wrap-up of the work of the Security Council during the year 2002 (S/2002/1387)); S/PV.4748; S/PV.4766; and S/PV.4818.

³⁸ See S/2000/1084.

³⁹ The Panel on United Nations Peace Operations was convened by the Secretary-General in March 2000 to undertake a thorough review of United Nations peace and security activities and present a clear set of concrete and practical recommendations for such activities in the future. The Panel's report was transmitted to the Council by a letter dated 21 August 2000 from the Secretary-General addressed to the President of the Council (S/2000/809).

⁴⁰ S/PV. 4220, p. 3 (Jamaica); p. 7 (Bangladesh); p. 8 (France); p. 9 (Canada); p. 10 (Argentina); p. 11 (United Kingdom); p. 13 (Tunisia); p. 14 (Malaysia); p. 15 (Ukraine); pp. 15-16 (Namibia); and pp. 16-17 (Netherlands).

⁴¹ *Ibid.*, p. 3.

Formalization of the consultative mechanism with the troop-contributing countries was further enhanced when the Council considered the item entitled "Strengthening cooperation with troop-contributing countries" at its 4257th meeting on 16 January 2001.⁴² In his introductory remarks, the President (Singapore) stated that the Council did not have any preconceived notions of the outcome of the open debate, and that the goal of the debate must be to enhance the relationship between the troop-contributing countries, the Security Council and the Secretariat and bring about a new spirit of cooperation among the three partners.⁴³ Several delegations particularly cited the consultations between Council members and countries contributing troop to the United Nations Mission in Sierra Leone (UNAMSIL) on 4 October 2000 as a good example of collaboration between the partners.⁴⁴

On 31 January 2001, by a presidential statement,⁴⁵ the Council established a Working Group on Peacekeeping Operations to address both generic peacekeeping issues and technical aspects of individual operations.⁴⁶ By the same statement, the Council recognized the need for a transparent three-way relationship between the Council, the Secretariat and the troop-contributing countries that would foster a new spirit of partnership, cooperation and confidence, and reiterated its agreement to hold consultations with those countries in a timely manner at different stages of a United Nations peacekeeping operation. On 13 June 2001, the Council adopted resolution 1353 (2001) on cooperation with troop-contributing countries which stipulated, *inter alia*, that the Council would hold public or private meetings with the participation of troop-contributing countries to ensure a full and high-level consideration of issues of critical importance to specific peacekeeping operations.⁴⁷ In addition, it provided that consultation meetings with troop-contributing countries chaired by the President of the Council would continue as the principal means of

⁴² S/PV.4257 and resumption 1. Prior to the 4257th meeting, the Presidency (Singapore) prepared and circulated a background paper for the debate (S/2001/21).

⁴³ *Ibid.*, p. 3.

⁴⁴ *Ibid.*, p. 26 (New Zealand); S/PV.4257 (Resumption 1), p. 11 (Ukraine); and p. 31 (Singapore).

⁴⁵ S/PRST/2001/3.

⁴⁶ See S/2002/603, p. 16.

⁴⁷ Resolution 1353 (2001), annex II, sect. A.

consultation.⁴⁸ The 4369th meeting, held on 10 September 2001 in accordance with resolution 1353 (2001), at which the Council met with the countries contributing troop to the United Nations Mission in Ethiopia and Eritrea (UNMEE) was the first private meeting with the troop-contributing countries.⁴⁹

Security Council missions

During the period under review, the Council conducted 13 missions away from headquarters (see table 1 below), while during the period covered by the previous Supplement (1996-1999) it conducted only one mission.⁵⁰ In particular, the Council dispatched its missions to areas of conflict five times in 2000, the highest number of missions dispatched per year in the Council's history. Upon return of its missions, the Council in general held meetings to consider the reports of the missions.⁵¹ Following consideration of

the reports, the Council, in some cases, adopted resolutions and presidential statements. In one case the resolution, while welcoming the efforts of the Council mission and its report, condemned the renewed fighting in the region.⁵² In another case, the mission's report was endorsed in the preambular part of a resolution.⁵³ Three presidential statements⁵⁴ were adopted with regard to four missions during the reporting period, in which the Council endorsed the recommendations contained in its reports of the missions.⁵⁵ In the presidential statement⁵⁶ regarding the two missions to Central and West Africa which took place in June and July 2003, the Council also expressed its intention to review progress in implementing the recommendations by the end of 2003.⁵⁷ Among the 13 missions, the mission dispatched to Kosovo in June 2001 was noteworthy for two reasons: it was the first Council mission led by the President of the Council and comprised all 15 members of the Council. Henceforth, Council missions have included all 15 members.

⁴⁸ Resolution 1353 (2001), annex II, sect. B. Further to resolution 1353 (2001), the President issued a note regarding participation on 27 August 2002 (S/2002/964).

⁴⁹ At the close of the meeting, a communiqué (S/PV.4369) was issued in accordance with rule 55 of the Council's provisional rules of procedure.

⁵⁰ East Timor (8-12 September 1999).

⁵¹ In respect of the Council mission to East Timor and Indonesia in November 2000, the Council held first a private meeting (4228th) on 20 November 2000, followed by a public meeting (4236th) on 28 November 2000.

⁵² Resolution 1297 (2000).

⁵³ Resolution 1355 (2001).

⁵⁴ S/PRST/2000/31, S/PRST/2000/39 and S/PRST/2003/12.

⁵⁵ S/2000/992, S/2000/1105, S/2003/653 and S/2003/688.

⁵⁶ S/PRST/2003/12.

⁵⁷ The reviews took place at the 4899th meeting, on 23 January 2004, on the Council mission to West Africa; and at the 4911th meeting, on 17 February 2004, on the Council mission to Central Africa. See the fifteenth Supplement to the *Repertoire*.

Table 1
Security Council missions from 2000 to 2003

<i>Duration of mission</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Council reaction</i>
27-29 April 2000	Kosovo	Bangladesh (Head of mission), Argentina, Canada, China, Jamaica, Malaysia, Russian Federation, Ukraine	S/2000/320	S/2000/363	4138th meeting 11 May 2000
4-8 May 2000	Democratic Republic of the Congo	United States (Head of mission), France, Mali, Namibia, Netherlands, Tunisia, United Kingdom	S/2000/344	S/2000/416 [and Corr.1 (Chinese only)]	4143rd meeting 17 May 2000
9-10 May 2000	Eritrea and Ethiopia	United States (Head of mission), France, Mali, Namibia, Netherlands, Tunisia, United Kingdom	S/2000/392 ^a	S/2000/413	4142nd meeting 12 May 2000 Adopted resolution 1297 (2000)
7-14 October 2000	Sierra Leone	United Kingdom (Head of mission), Bangladesh, Canada, China, France, Jamaica, Mali, Netherlands, Russian Federation, Ukraine, United States	S/2000/886	S/2000/992 [and Corr.1 (Chinese only)]	4216th meeting 3 November 2000 President made a statement (S/PRST/2000/31)
9-17 November 2000	East Timor and Indonesia	Namibia (Head of mission), Argentina, Malaysia, Tunisia, Ukraine, United Kingdom, United States	S/2000/103	S/2000/1105	4228th meeting 20 November 2000 (private) 4236th meeting 28 November 2000 4244th meeting 6 December 2000 President made a statement (S/PRST/2000/39)
15-26 May 2001	Great Lakes region	France (Head of mission), China, Colombia, Ireland, Jamaica, Mali, Mauritius, Singapore, Tunisia, Ukraine, United Kingdom, United States	S/2001/408	S/2001/521 and Add.1	4323rd meeting (and resumption 1) 30 May 2001 Endorsed the report in preambular paragraph 14 of resolution 1355 (2001) on the Democratic Republic of the Congo
16-18 June 2001	Kosovo	Bangladesh (Head of mission), China, Colombia, France, Ireland, Jamaica, Mali, Mauritius, Norway, Russian Federation, Singapore, Tunisia, Ukraine, United Kingdom, United States	S/2001/482	S/2001/600	4331st meeting 19 June 2001 4335th meeting 22 June 2001

<i>Duration of mission</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Council reaction</i>
21-25 February 2002	Eritrea and Ethiopia	Norway (Head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States	S/2002/129	S/2002/205	4485th meeting 6 March 2002
27 April-7 May 2002	Great Lakes region	France (Head of mission), Bulgaria, Cameroon, China, Colombia, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States	S/2002/430	S/2002/537 and Add.1	4532nd meeting 14 May 2002
13-17 December 2002	Kosovo and Belgrade, Federal Republic of Yugoslavia	Norway (Head of mission), Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States	S/2002/1271	S/2002/1376	4676th meeting 19 December 2002
7-16 June 2003	Central Africa	France (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States	S/2003/558	S/2003/653	4775th meeting 18 June 2003 4794th meeting 25 July 2003 President made a statement (S/PRST/2003/12)
26 June-5 July 2003	West Africa	United Kingdom (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Germany, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United States	S/2003/525	S/2003/688	4785th meeting 9 July 2003 4794th meeting 25 July 2003 President made a statement (S/PRST/2003/12)
31 October-7 November 2003	Afghanistan	Germany (Head of mission), Angola, Bulgaria, Cameroon, Chile, China, France, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom, United States	S/2003/930	S/2003/1074	4855th meeting 11 November 2003

^a The Council mission to the Democratic Republic of the Congo was authorized to visit Ethiopia and Eritrea following its visit to the Democratic Republic of the Congo and neighbouring States.

Part II Representation and credentials (rules 13-17)

Rule 13 of the provisional rules of procedure of the Security Council requires each member of the Council to communicate the credentials of its accredited representative to the Secretary-General not less than twenty-four hours before that representative takes his seat on the Council. In addition, any Member of the United Nations not a member of the Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Council, must also communicate the credentials of its representative in a like manner to the Secretary-General, in accordance with rule 14. The Secretary-General is required by rule 15 to examine the credentials of the above categories of representatives and to submit a report thereon, certifying that the credentials are in order, to the Security Council for approval. The practice of the Council regarding those rules has been that the credentials of representatives have been communicated to the Secretary-General who submits his report to the Council pursuant to rule 15 when changes in the representation of members of the Council have been made and when, at the beginning of each year, the representatives of the newly elected non-permanent members of the Council are designated. This practice was followed during the period under review.

No special cases concerning the application of rules 13-17 occurred during the period under review.⁵⁸

⁵⁸ See chapter III for information related to invitations to and participation in the meetings of the Security Council.

Part III Presidency (rules 18-20)

Note

Part III of the present chapter deals with the proceedings of the Security Council directly related to the Office of the President of the Council. Material relevant to the exercise by the President of his functions in connection with the agenda is dealt with in chapter II. Material pertaining to the exercise by the President of his functions in the conduct of meetings is included in part V of this chapter.

During the period under review there were no special instances of the application of rule 18, which provides for the monthly rotation of the presidency in the English alphabetical order of the names of the members of the Council; rule 19, which deals with the conduct of the presidency; or rule 20, which deals with the temporary cession of the chair by the President.

The members of the Council continued to use informal consultations of the whole as a procedure for reaching decisions. On many occasions, the President presented the results of such consultations to the Council in the form of a presidential statement made on behalf of its members, or as a draft resolution, which the Council then adopted in a formal meeting without further debate. On other occasions, the President announced the agreement or consensus in a press statement, note or letter circulated as a Council document.⁵⁹

During the period from 2000 to 2003, the President continued to conduct activities other than in meetings of the Council and informal consultations of the whole. He regularly briefed non-members, made statements and remarks to the press and held bilateral

⁵⁹ For all resolutions and decisions taken by the Council during the period under review, see chapter IV.

meetings with concerned parties. In accordance with the note by the President dated 29 June 2001,⁶⁰ regarding communication and dissemination by the President and the Secretariat of Council decisions and statements to the press, the President was encouraged to continue to draw the attention of the representative(s) of the Member State(s) as well as regional organizations and arrangements to relevant statements to the press made by the President on behalf of Council members, or to decisions of the Council.⁶¹

Furthermore, the President continued to represent the Council in various capacities in accordance with rule 19.⁶²

During the period under review, the Council witnessed, *inter alia*, a number of procedural developments relating to the Office of the President.⁶³ In November 2001, at the request of the President, a new presidential website was launched by the Secretariat.⁶⁴ It supplemented the websites maintained by individual presidencies and was designed to provide easy access to up-to-date information on the Council's work and decisions.

With a view to promoting transparency and efficiency, the Presidency, in some instances, outlined

its objectives for the month in papers that were distributed to all Member States.⁶⁵ In November 2001 and May 2002 the President's statements of objectives were first published as Security Council documents.⁶⁶ Similarly, in November 2000, a background paper prepared by the Presidency was circulated as a document of the Security Council for the first time.⁶⁷ The paper dealt with the theme "No exit without strategy", which the Council debated that month.⁶⁸ In addition, during the period under review, the Presidency issued several summary papers following Council meetings,⁶⁹ and in December 2002 the Presidency issued a non-paper containing guidelines for the forthcoming public wrap-up meeting.⁷⁰ There were also several occasions when the President made introductory and/or concluding remarks that were not made in his national capacity, or explicitly on behalf of the Council.⁷¹

Finally, from January 2001 onwards,⁷² outgoing Council Presidents started addressing to the current President of the Security Council brief assessments of the work of the Council for the month during which they presided, pursuant to the note by the President of the Council dated 12 June 1997.⁷³ The above-mentioned assessments (see table 2), also attached as an addendum to the annual report of the Security Council to the General Assembly, were prepared by representatives who had completed their functions as President of the Security Council, under their own responsibility and following consultations with members of the Council.

⁶⁰ S/2001/640.

⁶¹ During the period under review, following the issuance of the note, the President of the Security Council made 250 statements to the press on behalf of the Council that were subsequently issued as United Nations press releases.

⁶² For instance, on a number of occasions, the President represented the Security Council before the General Assembly and its subsidiary bodies, the Economic and Social Council and regional organizations.

⁶³ S/2002/603, chap. III.

⁶⁴ See <http://www.un.org/docs/sc/presidency.asp>. At the 4432nd meeting, the representatives of Singapore and Mauritius spoke favourably about the newly launched website (S/PV.4432, p. 13 and p. 4). At the 4616th meeting, the representative of Singapore stated that the website would allow non-Council Members to have quicker access to information related to the Security Council's work (S/PV.4616 and Corr.1, p. 3).

⁶⁵ See S/2002/603, chap. III.

⁶⁶ S/2001/1055 and S/2002/519, respectively.

⁶⁷ S/2000/1072.

⁶⁸ S/PV.4223.

⁶⁹ See, for example, S/2002/607, S/2002/622, S/2003/705 and S/2003/1055.

⁷⁰ S/2002/1387.

⁷¹ See, for example, S/PV.4257, S/PV.4272, S/PV.4308, S/PV.4309, S/PV.4439, S/PV.4474 and S/PV.4630 (Resumption 1).

⁷² S/2002/685.

⁷³ S/1997/451.

Table 2
Assessments of the work of the Security Council

<i>Month</i>	<i>Document</i>	<i>Presidency</i>
December 2003	S/2004/609	Bulgaria
November 2003	S/2004/56	Angola
October 2003	S/2003/1221	United States
September 2003	S/2003/1046	United Kingdom
August 2003	S/2003/1120	Syrian Arab Republic
July 2003	S/2003/805	Spain
June 2003	S/2003/798	Russian Federation
May 2003	S/2003/826	Pakistan
April 2003	S/2003/763	Mexico
March 2003	S/2003/693	Guinea
February 2003	S/2003/432	Germany
January 2003	S/2003/212	France
December 2002	S/2003/77	Colombia
November 2002	S/2003/609	China
October 2002	S/2003/820	Cameroon
September 2002	S/2003/825	Bulgaria
August 2002	S/2002/1322	United States
July 2002	S/2002/937	United Kingdom
June 2002	S/2002/843	Syrian Arab Republic
May 2002	S/2002/685	Singapore
April 2002	S/2002/704	Russian Federation
March 2002	S/2002/663	Norway
February 2002	S/2002/753	Mexico
January 2002	S/2002/187	Mauritius
December 2001	S/2002/158	Mali
November 2001	S/2002/160	Jamaica
October 2001	S/2001/1298	Ireland
September 2001	S/2001/976	France
August 2001	S/2002/166	Colombia
July 2001	S/2002/493	China
June 2001	S/2001/757	Bangladesh
May 2001	A/56/2	United States
April 2001	S/2001/596	United Kingdom
March 2001	S/2001/730	Ukraine
February 2001	S/2001/753	Tunisia
January 2001	S/2001/365	Singapore

Part IV Secretariat (rules 21-26)

Part IV relates to rules 21 to 26 of the provisional rules of procedure, which set out the specific functions and powers of the Secretary-General in connection with the meetings of the Security Council.⁷⁴ These rules reflect the provisions of Article 98 of the Charter insofar as they concern the requirements of the Security Council. Instances in which the Secretary-General was requested or authorized to carry out other functions are dealt with in chapter VI (Relations with other United Nations organs).

During the period under review, there were no special instances of the application of rules 21 to 26.

⁷⁴ Under rule 24 the Secretary-General not only provides the staff required to service meetings of the Council, but also makes available staff for subsidiary organs of the Council both at Headquarters and in the field.

Part V Conduct of business (rules 27-36)

Note

Part V sets out the cases bearing on rules 27 and 29 to 36. Material relating to rule 28 can be found in chapter V (Subsidiary organs of the Security Council), while material relating to rules 37 and 39 is included in chapter III (Participation in the proceedings of the Security Council).

As in previous volumes of the *Repertoire*, the cases assembled here are indicative of the special problems or issues that arose in the application of the rules on the conduct of business, rather than the routine practice of the Council. They relate to such matters as the following:

(a) Rule 27, on the order of intervention in the debate (cases 4-15);

(b) Rule 33, on the suspension and adjournment of meetings (case 16).

During the period under review, there were no special instances of the application of rules 29, 30, 31, 32, 34, 35 or 36.

In relation to rule 27 of the provisional rules of procedure, the Security Council used a variety of means to facilitate determination of the order of speakers. These included preparation of lists of speakers prior to formal meetings as well as

proceeding with an interactive dialogue with no predetermined list. For the first time, the list of speakers prepared prior to meetings was sometimes determined by lots (case 4).

In two instances, Council members agreed to allow the departing members of the Council to make their statements first (case 5). In a number of instances, Council members proceeded to the discussion of the item on the agenda without a pre-established list of speakers. In one case, a member of the Council voiced his complaint over this practice (case 6).

In cases where a list of speakers is prepared prior to a meeting, members would theoretically have priority over non-members who, while able to indicate their desire to participate, must first be invited to the meeting. Therefore, in most cases, members of the Council did speak before non-members. However, flexibility has been shown by the Council in this regard. In one instance, a non-member voiced his regret over the practice of Security Council members taking the floor before non-members (case 7). In another instance, one Council member expressed his regrets for the lack of transparency in the preparation of the list of speakers (case 8). In some cases, which are included here for illustrative purposes, non-members spoke first or interactively with members (cases 9, 10, 11 and 12). Finally, in one instance, one

Council member made a joint statement with another Council member (case 13).

On various occasions, the President of the Council requested speakers to limit their statements to 5 to 10 minutes at public briefings and open debates in order “to enable the Council to carry out its work expeditiously” and “within its timetable”. The announcements in the *Journal* concerning the 4709th meeting on the situation between Iraq and Kuwait⁷⁵ and the 4710th meeting on threats to international peace and security caused by terrorist acts,⁷⁶ for the first time, included text requesting speakers inscribed on the list to “limit their statements to no more than seven minutes”.⁷⁷

In a number of meetings, the Presidency requested delegations with lengthy statements to circulate them in writing and to deliver condensed versions in the Chamber. In one instance, a number of speakers agreed to circulate their statements in writing in place of making an oral presentation (case 14). In another, the President of the Council called for focused and operational interventions (case 15).

With regard to the application of rule 33, one case related to the adjournment of a meeting is included for illustrative purposes (case 16).

The provisional rules of procedure of the Security Council do not contain a rule permitting the President to call speakers to order if their remarks are not relevant to the item under discussion, nor do they contain a provision for the “right of reply”.⁷⁸ However, in one instance, during the period under review, one representative made reference to the “right of reply”. At the resumption of the 4336th meeting, held on 28 June 2001 in connection with the situation between Iraq and Kuwait, the representative of Iraq reserved his right “to respond to any right of reply”.⁷⁹ In another instance, a representative complained about the “right of reply” granted to another member. At the second resumption of the 4295th meeting, held on 19 March 2001 in connection with the situation in the Middle

East,⁸⁰ the representative of Palestine, referring to the second time the representative of Israel took the floor, inquired whether it was “an attempt to exercise the right of reply” or it was “the second statement by Israel during the same meeting of the Security Council”.⁸¹

During the period under review, the Council witnessed a number of procedural developments relating to the conduct of business. In a note by the President dated 29 May 2002,⁸² the Council addressed the issue of seating arrangements for non-members of the Council invited to speak at its meetings, clarifying that when non-members were invited to speak, they would be seated at the Council table on the alternate sides of the President, with the first speaker seated on the President’s right. In a note by the President dated 26 May 2002,⁸³ with a view to improving clarity and transparency, the Council referred to a number of elements agreed, including, inter alia, that the President would address speakers by name and title in public meetings.⁸⁴

Special cases concerning the application of rules 27-36

Rule 27

The President shall call upon representatives in the order in which they signify their desire to speak.

Case 4

In November 2001, the President of the Security Council instituted a lottery system for determining the order of speakers for certain meetings. At the 4432nd meeting, held on 30 November 2001 in connection with the wrap-up discussion on the work of the Security Council for the current month, several delegations commented on this innovation introduced by the Presidency (Jamaica). The representative of Singapore stated that the system created “regularity and predictability” and made everyone feel that they

⁷⁵ S/PV.4709.

⁷⁶ S/PV.4710.

⁷⁷ See *Journal of the United Nations*, No. 2003/32 of 15 February 2003 and No. 2003/34 of 20 February 2003, respectively.

⁷⁸ According to the practice of the Council, the terminology used is “to make a further statement”.

⁷⁹ S/PV.4336 (Resumption 1), p. 31.

⁸⁰ S/PV.4295 (Resumption 2).

⁸¹ *Ibid.*, p. 18.

⁸² S/2002/591.

⁸³ S/2002/316.

⁸⁴ For a discussion in the Council concerning its practice, procedure and working methods, including time management, see the report of the workshop for newly elected members of the Security Council which was held on 13 and 14 November 2003 (S/2004/135).

had a level playing field when it came to the selection of the speakers. He added that it had also helped to improve the chemistry among the members by making them feel equally treated and not as just belonging to “class A or class B” within the Council.⁸⁵

The representative of Mali, concurring with the representative of Singapore, remarked to the President that she had succeeded in enhancing transparency in the work of the Council, particularly by organizing a drawing of lots for the list of speakers.⁸⁶ The representative of Mauritius expressed gratitude to the President for having tackled the very delicate issue of the speakers’ list and noted that the new system was working well and without complaint from members of the Council. He therefore hoped that this practice would be continued under future presidencies.⁸⁷ The representative of Ukraine expressed similar views, by commending the initiative and strongly encouraging future Presidents to continue it.⁸⁸

Case 5

At the 4445th meeting, held on 21 December 2001 in connection with the wrap-up discussion on the work of the Security Council for the current month,⁸⁹ the representative of Singapore made a procedural suggestion at the beginning of the meeting, which was agreed upon by the other Council members. As a gesture of courtesy, he proposed to “allow the departing members of the Council to speak first, in alphabetical order”, followed by the other members in accordance with their desire to take the floor.⁹⁰ The Council agreed to the suggestion and the debate continued accordingly.

Similarly, at the 4677th meeting, held on 20 December 2002 in connection with the wrap-up discussion on the work of the Security Council for the current month,⁹¹ the session began with statements by the representatives of the outgoing non-permanent members of the Security Council followed by statements of the representatives of other members of the Council. The order of both groups was determined by drawing lots, as explained in the letter dated

⁸⁵ S/PV.4432, p. 13.

⁸⁶ *Ibid.*, p. 19.

⁸⁷ *Ibid.*, p. 4.

⁸⁸ *Ibid.*, p. 16.

⁸⁹ S/PV.4445.

⁹⁰ S/PV.4445, p. 2.

⁹¹ S/PV.4677.

19 December 2002 from the representative of Colombia addressed to the President of the Security Council.⁹²

Case 6

In a number of instances, no speakers’ list was drawn up and the President invited participants who wished to speak to raise their hands.⁹³

At the 4387th meeting held on 5 October 2001 in connection with Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999), the representative of Ukraine recommended that the Council get back to its system of drawing up lists of speakers, because, at that meeting, he was one of the first to raise his hand to be on the list but was the twelfth speaker. He added that Ukraine reserved its right “to return to this issue during consultations on the working methods of the Council”.⁹⁴ In response, the President (Ireland) stated that he was “proceeding punctiliously on the basis of the speakers’ list provided by the Council secretariat”.⁹⁵

Case 7

At the 4522nd meeting held on 26 April 2002 in connection with the situation in East Timor, the Council extended a number of invitations under rules 37 and 39, including invitations under rule 39 to the President-elect of East Timor, Mr. Xanana Gusmão and to the Chief Minister of East Timor, Mr. Mari Bin Amude Alkatiri. The Council first heard a briefing from the Secretary-General and the Assistant Secretary-General for Peacekeeping Operations, followed by statements from Mr. Gusmão and Mr. Alkatiri.⁹⁶ After all 15 members of the Council had spoken, the President (Russian Federation) noted that

⁹² S/2002/1387, p. 3.

⁹³ See, for example, S/PV.4308, S/PV.4309, S/PV.4310, S/PV.4350 and S/PV.4351 (for Council members); and S/PV.4361, S/PV.4367, S/PV.4379, S/PV.4380, S/PV.4387, S/PV.4392, S/PV.4394, S/PV.4395, S/PV.4403, S/PV.4424, S/PV.4429, S/PV.4432, S/PV.4466, S/PV.4568, S/PV.4598, S/PV.4616, S/PV.4631, S/PV.4736, S/PV.4762, S/PV.4812, S/PV.4834, S/PV.4838, S/PV.4851, S/PV.4865, S/PV.4869 and S/PV.4876.

⁹⁴ S/PV.4387, p. 18.

⁹⁵ *Ibid.*, p. 19.

⁹⁶ S/PV.4522, pp. 2-10.

Mr. Gusmão would soon have to leave. Two non-members were then called upon to make their statements. Thereafter, the President called upon the representative of Australia, who regretted the arrangements made for non-members to speak, particularly given the contribution of his country in respect of East Timor. He expressed his concern for what he considered as “a less-than-appropriate opportunity” to participate in the Security Council debate concerning East Timor.⁹⁷

Case 8

At the 4323rd meeting, held on 30 May 2001 in connection with the situation in the Great Lakes region, the representative of Singapore raised a procedural question, subsequently endorsed by Ireland and Mauritius,⁹⁸ concerning the list of speakers that the President referred to in his opening remarks.⁹⁹ He complained that the list of speakers had been established without his knowledge and contrary to the understanding reached by the Council in prior consultations to dispense with such a list. The representative expressed concern at the lack of transparency in the preparation of the list of speakers, stating that there was “no level playing field for all members of the Council when it comes to speaking before the Council”. He further expressed his hope that this would be a “useful signal to all members of the Council” to ensure that, henceforth, when it came to preparation of the speakers’ list, it would be done in “an open, transparent fashion, with a level playing field for all”.¹⁰⁰ The President (United States) stated that the understanding reached by the Council at its prior consultations concerned the proposed nature of the meeting and the order of speakers; it did not include the question of whether or not there would be a list of speakers. The President, therefore, decided to follow the list of speakers he had before him and proceeded accordingly.¹⁰¹

Case 9

At the 4257th meeting, held on 16 January 2001 in connection with strengthening cooperation with

⁹⁷ *Ibid.*, p. 31.

⁹⁸ S/PV.4323, p. 3.

⁹⁹ *Ibid.*, pp. 2-3.

¹⁰⁰ *Ibid.*, p. 3.

¹⁰¹ *Ibid.*, pp. 2-3.

troop-contributing countries,¹⁰² Council members departed from their customary practice of speaking before non-members. During the debate, which was held over two sessions, the representatives of most troop-contributing countries spoke during the morning session. In the afternoon session, Council members spoke first, followed by the remaining representatives of troop-contributing countries. At the 4288th meeting, held on 7 March 2001, on ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa, non-members spoke first. In his introductory remarks, the President stated that he would like “to draw particular attention to the decision taken by the Security Council to invite non-members of the Council to speak first”.¹⁰³ In a number of other instances, non-members were invited to speak first.¹⁰⁴

Case 10

At the 4532nd meeting, held on 14 May 2002 in connection with the situation in the Great Lakes region, the President first called on the Head of the Security Council mission to the Great Lakes region to brief the Council.¹⁰⁵ The President then called upon the representative of Spain,¹⁰⁶ who was not a member of the Security Council. Following the statement by the representative of Spain, the President noted that there “was some puzzlement among observers” when he gave the floor to a non-member of the Council to speak first. He explained that in prior consultation it was agreed that, after the briefing by the representative of France, he “would invite non-members of the Council to speak and then throw open the floor to Council members to respond or make additional comments”.¹⁰⁷ As a consequence, the President called upon four additional non-members before giving the floor to members of the Council.

¹⁰² S/PV.4257 and resumption 1.

¹⁰³ S/PV.4288, p. 2.

¹⁰⁴ See, for example, S/PV.4257, S/PV.4288, S/PV.4317, S/PV.4323, S/PV.4506, S/PV.4515, S/PV.4525, S/PV.4532, S/PV.4537, S/PV.4625 and resumptions 1-3, S/PV.4630 and S/PV.4642.

¹⁰⁵ S/PV.4532, pp. 2-6.

¹⁰⁶ *Ibid.*, pp. 6-8. The representative of Spain spoke on behalf of the European Union and the associated and aligned countries.

¹⁰⁷ *Ibid.*, p. 8.

Case 11

At the 4312th meeting, held on 23 April 2001 in connection with the protection of civilians in armed conflicts, the President dispensed with a pre-established list of speakers and called upon the briefers to respond to questions and comments as they arose, rather than at the end of the meeting. In particular he stated that if questions were raised during the course of the debate, either to the Secretariat, the High Commissioner or each other, he would make arrangements for those questions to be taken up within a fairly short period of their being raised, so that the Council could get some interaction on points that were raised during the debate.¹⁰⁸ During the 4424th meeting, held on 21 November 2001 on the same item,¹⁰⁹ there was no fixed list of speakers. At that meeting, the Under-Secretary-General for Humanitarian Affairs was invited to respond to questions both during and at the conclusion of the meeting.

In a number of other instances, an interactive style of debate was occasionally utilized, with members and non-members being encouraged to ask and respond to questions during the course of the meeting.¹¹⁰ For instance, at the 4453rd meeting, held on 18 January 2002 in connection to threats to international peace and security caused by terrorist acts,¹¹¹ Council members and non-members spoke in alternate order. Following briefings by the Secretary-General and the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) to combat terrorism, the President gave the floor alternately to three members and three non-members and invited the Chairman of the Committee to reply to questions or make comments after every six speakers.¹¹²

¹⁰⁸ S/PV.4312, p. 7.

¹⁰⁹ S/PV.4424.

¹¹⁰ See, for example, S/PV.4308, S/PV.4424, S/PV.4429, S/PV.4358, S/PV.4470, S/PV.4538, S/PV.4552, S/PV.4568, S/PV.4577 and S/PV.4589. In some cases, questions raised were answered, by those who had provided the briefings on the issue, before the speakers' list was exhausted. See, for instance, S/PV.4308, S/PV.4309, S/PV.4310, S/PV.4312 and S/PV.4720.

¹¹¹ S/PV.4453.

¹¹² Similarly, at the 4429th meeting on 27 November 2001 in connection with the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Council first heard briefings by three representatives from the Tribunals, then statements from

Case 12

At the 4087th meeting, held on 10 January 2000 in connection with the impact of AIDS on peace and security in Africa, following briefings by the Secretary-General, the President of the World Bank, the Administrator of the United Nations Development Programme, the Executive Director of the Joint United Nations Programme on HIV/AIDS and the representative of the United States,¹¹³ the President of the Council opened the floor for discussion by the members of the Council. In that connection, he stated that members of the Security Council would speak first, and that subsequently, because of the special nature of the meeting, any other Member of the United Nations that wished to speak was so invited to do so.¹¹⁴ Following the statements made by the representatives of Namibia, Bangladesh and France, the President briefly consulted the Council on a procedural matter. He pointed out that under the rules of the Security Council, Ministers of Security Council members took precedence, and that is why the Council began with the Vice-President of the United States and the Minister of Namibia. He added that, although Security Council members had the right to speak before Ministers of other countries that were not members, he had received several notes from the representatives of African countries, requesting him "to break into the procedural order" and allow the Ministers of Health of Uganda and Zimbabwe to speak prior to the next scheduled speakers. The Council therefore agreed to invite the Ministers from Uganda and Zimbabwe to take a seat at the Council's table and speak out of order.¹¹⁵

Case 13

At the 4355th meeting, held on 2 August 2001 in connection with small arms, the representative of Norway informed the Council that Mali and Norway,

three non-members of the Council, followed by questions and comments from 12 Council members which were answered by the briefers. After the statements by non-members, the President stated that it had been agreed in prior consultations that the format for the remainder of the meeting would take the form of an interactive dialogue. As a result, no list of speakers for members of the Council had been drawn up (see S/PV.4429, p. 18).

¹¹³ At the 4087th meeting, the United States was represented by its Vice-President.

¹¹⁴ S/PV.4087, p. 12.

¹¹⁵ *Ibid.*, pp. 18-19.

both members of the Security Council, had a joint statement to make on the issue of small arms.¹¹⁶ Subsequently, the representative of Mali delivered the statement, stating that Norway and Mali attached high priority to the question of small arms on their foreign policy agendas and also shared the same positions on critical issues linked to it. He further emphasized that it was the first time, to his knowledge, that such a procedure was being applied in the Security Council, and that it was his honour to speak also on behalf of Norway.¹¹⁷

Case 14

At the 4092nd meeting, held on 26 January 2000 to discuss the situation concerning the Democratic Republic of the Congo, the President (United States) requested speakers to limit their statements, owing to the large number of speakers inscribed and the time constraint. Hence, upon the President's request, several speakers, including one Council member,¹¹⁸ decided to circulate their statements in writing, in lieu of making an oral statement. Of those speakers, 10 had received invitations to participate, 1 was a Council member and held the Presidency, and 2 (Cape Verde and the International Organization of la Francophonie) had not received an invitation to participate.¹¹⁹

Case 15

During the month of April 2001, the President (United Kingdom) circulated a note to all permanent and observer missions in which he elaborated certain guidelines,¹²⁰ on both form and substance, which might be followed in the forthcoming debate on the protection of civilians in armed conflict. In particular, he requested delegations to consider preparing focused and operational statements of no more than five minutes that were clearly relevant to the issues arising

from the Secretary-General's report on the subject.¹²¹ At the 4312th meeting held on 23 April 2001 to discuss the protection of civilians in armed conflict, following briefings by the Deputy Secretary-General and the United Nations High Commissioner for Human Rights, the President suggested that any speaker could make arrangements with the Secretariat "to get their written speech into the record" if they wished to shorten it in their oral remarks.¹⁰⁸ Subsequently, two non-members¹²² read out abridged versions of their respective statements, the texts of which were circulated and recorded in full.¹²³ Several other members and non-members announced their intention to make interventions that were in conformity with the President's guidelines.¹²⁴

¹²¹ Similarly, in a non-paper (S/2002/1387), the President stated that statements of Council members were expected to be brief (no more than 10 minutes), frank, focused and pointed, preferably on the issues outlined in the paper. Guidelines issued for the 28 June 2002 private wrap-up meeting suggested a five-minute time limit on interventions (S/2002/701).

¹²² S/PV.4312 (Resumption 1), p. 6 (Sweden, on behalf of the European Union); and p. 20 (Malaysia).

¹²³ Similarly, at the 4370th meeting held on 12 September 2001 to discuss "Threats to international peace and security caused by terrorist acts", the President announced that statements by 10 non-members would subsequently be circulated as annexes to a note by the President (S/2001/864).

¹²⁴ To enable the Council to carry on its work more expeditiously, on various occasions the Presidency asked speakers to limit their statements. See, for example, S/PV.4087 (Resumption 1), S/PV.4091, S/PV.4092 (Resumption 2), S/PV.4117, S/PV.4308, S/PV.4312, S/PV.4453, S/PV.4453 (Resumption 1), S/PV.4478, S/PV.4525, S/PV.4575, S/PV.4577, S/PV.4589, S/PV.4677, S/PV.4688, S/PV.4701, S/PV.4707, S/PV.4709 and resumption 1, S/PV.4710, S/PV.4714, S/PV.4717 and resumption 1, S/PV.4720 and resumption 1, S/PV.4721, S/PV.4726 and resumption 1, S/PV.4734, S/PV.4739, S/PV.4744, S/PV.4748, S/PV.4792, S/PV.4823, S/PV.4824 (Resumption 1), S/PV.4833, S/PV.4835 and S/PV.4852. At the 4739th meeting, a complex formula of time limits was proposed. The Secretary-General and representatives of regional organizations were requested to limit their statements to between 7 and 10 minutes; members of the Council to between 3 and 5 minutes; followed by a response from representatives of regional organizations of from 3 to 5 minutes (S/PV.4739, p. 3). At the 4726th meeting, the President, noting that a large number of speakers were inscribed on the list, asked representatives to "refrain from congratulating the President" on his assumption of

¹¹⁶ S/PV.4355, p. 19.

¹¹⁷ *Ibid.*

¹¹⁸ S/PV.4092 (Resumption 2), pp. 2, 6 and 8.

¹¹⁹ Brazil, Cape Verde, Colombia, Eritrea, India, Israel, Japan, Lesotho, Libyan Arab Jamahiriya, Norway, United Republic of Tanzania, United States and International Organization of la Francophonie.

¹²⁰ A revised version of the guidelines is contained in the letter dated 15 June 2001 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland addressed to the President of the Security Council (see S/2001/596, annex).

Rule 33

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. *To suspend the meeting;*
2. *To adjourn the meeting;*
3. *To adjourn the meeting to a certain day or hour;*
4. *To refer any matter to a committee, to the Secretary-General or to a rapporteur;*
5. *To postpone discussion of the question to a certain day or indefinitely; or*
6. *To introduce an amendment.*

the Presidency (S/PV.4726, p. 12). At the 4709th meeting, the President introduced a time-saving seating arrangement by which he did not invite individual speakers to take seats at the Council table nor to resume their seats at the side of the Council Chamber. When a speaker was taking the floor, a conference officer seated the next speaker on the list at the table and the President refrained from thanking the speakers for their statements at the conclusion of statements (S/PV.4709, p. 3). This “time-saving” seating arrangement was also applied at the 4710th, 4717th (Resumption 1), 4726th, 4792nd, 4836th, 4841st, 4877th (Resumption 1) and 4881st meetings.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

Case 16

At the 4820th meeting, held on 9 September 2003 in connection with letters dated 20 and 23 December 1991 from France, the United Kingdom and the United States (bombing of Pan Am flight 103 over Lockerbie), the President noted the presence of families and friends of those who had lost their lives on flight 103. After remarking that the Security Council was “moving towards a resolution of this terrible affair”, he stated that the Security Council, in considering the agenda before it, was also conscious of two factors: first, that the Council, in a matter of this gravity, needed to act unanimously; and secondly, that there were other very legitimate concerns pertaining to Libya which still needed resolution. Therefore, on the basis of the understanding reached in prior consultations, the President invoked article 33 of the Council’s provisional rules of procedure and proposed the adjournment of the meeting until 10:30 a.m. Friday, 12 September 2003, in the expectation that the agenda adopted during the present meeting would be the agenda before the Council on Friday.¹²⁵ The procedural motion was put to the vote and carried unanimously. The meeting, which had been called to order at 2:35 p.m., was adjourned at 2:40 p.m.

¹²⁵ S/PV.4820 (Part I), p. 2.

Part VI Languages (rules 41-47)

Note

During the period under review, there were no special cases concerning the application of rules 41 to 43 and 45 to 47. There were two instances in which rule 44 was applied, and they are included for illustrative purposes.

Special cases concerning the application of rules 41-47

Rule 44

Any representative may make a speech in a language other than the languages of the Security Council. In this case, he shall himself provide for interpretation into one of those languages. Interpretation into the other languages of the Security Council by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Case 17

At its 4661st meeting, held on 12 December 2002 in connection with the situation in Bosnia and Herzegovina, the Council heard briefings from the three members of the Presidency of Bosnia and Herzegovina who spoke in, respectively, Serbian, Croatian and Bosnian.¹²⁶ Interpretation from each language into English was provided by the delegation of the State.

Case 18

At its 4194th meeting, held on 7 September 2000 in connection with the issue “Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa”, the representative of Bangladesh made a statement in Bengali.¹²⁷ The English text was provided by the delegation of the State.

¹²⁶ S/PV.4661, pp. 7-10.

¹²⁷ S/PV.4194, pp. 14-15.

Part VII Publicity of meetings, records (rules 48-57)

During the period under review, there were no special instances of the application of rules 48 to 57.

In addition to official records and documents, as established by chapter IX of the provisional rules of procedure, the Council has availed itself of other means to publicize its meetings and work. For instance, during the period under review, the President regularly briefed non-members and the media, and made statements and remarks to the press.¹²⁸

In a note by the President dated 29 June 2001,¹²⁹ recognizing the importance of timely, full and effective dissemination of its decisions and presidential statements, the members of the Council indicated their agreement on the following: (a) that the President of the Security Council should, when requested by the Council members, draw the attention of the concerned parties to relevant Council decisions and press statements; (b) that the Secretariat should continue to bring to the knowledge of those concerned relevant Council decisions and press statements and ensure their promptest communication and widest possible dissemination; and (c) that the Secretariat should issue, as United Nations press releases, all press statements made by the President on behalf of the Council, upon clearance by the President.

With a view to increasing the transparency and clarity of its work, during the period under review the Council also addressed the issue of the distribution of documents. By a note by the President dated 31 March 2000, the members of the Council¹³⁰ referred to the difficulties and disruption caused by the collection of copies of statements from outside the Council Chamber. The note stipulated two main arrangements for the distribution of statements: (a) the texts of statements made in the meetings of the Council would,

at the request of the delegation making the statement, be distributed by the Secretariat inside the Council Chamber to Council members and other Member States and permanent observers to the United Nations present at the meeting; and (b) any delegation requesting the distribution of its statement should provide at least 200 copies to the Secretariat sufficiently in advance of the statement being made, without making the statements otherwise available during the meeting. In the event that a delegation provided to the Secretariat fewer than 200 copies of its statement, those copies would be placed outside the Council Chamber at the end of the meeting.

Furthermore, with a view to facilitating understanding by the press regarding its work, a note by the President dated 26 March 2002¹³¹ referred to the following elements, inter alia, agreed by the Council: (a) reports by the Secretary-General should specify the date on which the document was physically and electronically distributed in addition to the date of signature by the Secretary-General; and (b) the Secretariat was encouraged, to the extent possible, to distribute its reports in all official languages on the date originally established for publication.

Finally, in November 2001, a new presidential website¹³² was launched by the Secretariat to provide easy access to up-to-date information on the Council's work and decisions.¹³³ Moreover, at the initiative of the President, the Council held its first live webcast in January 2002. Towards the conclusion of the 4460th meeting, held on 29 January 2002 to discuss the situation in Africa, the President informed members that "the Secretariat has confirmed that the live webcast of the Council's proceedings on this particular item will also be provided tomorrow".¹³⁴

¹²⁸ See the introductory note of the section on the Presidency in the present chapter.

¹²⁹ S/2001/640.

¹³⁰ S/2000/274.

¹³¹ S/2002/316.

¹³² <http://www.un.org/docs/sc/presidency.asp>.

¹³³ See the introductory note in part III of the present chapter.

¹³⁴ S/PV.4460 (Resumption 1), p. 42.

Chapter II

Agenda

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Introductory note

The present chapter concerns the interpretation and application of rules 6 to 12 of the provisional rules of procedure of the Security Council, relating to the agenda. The chapter is divided into three parts. A part concerning the adoption or amendment of rules 6 to 12, included in previous volumes of the *Repertoire*, has been omitted in the present *Supplement* since, during the period under review, the Council did not consider any change in those rules.

Part I, The provisional agenda (rules 6-8 and rule 12), provides information on the circulation of communications by the Secretary-General and on the preparation and communication of the provisional agenda.

Part II, Adoption of the agenda (rule 9), contains material dealing with questions that were discussed in connection with the adoption of the agenda, such as the scope of items on the agenda in relation to the scope of the discussion, the phrasing of agenda items and the postponement of consideration of items. No material was found for treatment concerning the procedure of the Council in voting on the adoption of the agenda, nor was there discussion in the Council of the requirements for the inclusion of an item in the agenda and the effect of such inclusion, or of other questions of procedure.

Part III, The agenda and matters of which the Security Council is seized (rules 10 and 11), relates to the list of matters under the Council's consideration. The tables in Part III supplement the tables in previous volumes of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Security Council is seized. Part III also contains a case study concerning the deletion of an agenda item by a decision taken at the close of a Council meeting.

Part I

The provisional agenda (rules 6-8 and 12)

Note

The provisional agenda, prepared by the Secretary-General and approved by the President of the Security Council in accordance with rule 7, includes those items that have been brought to the attention of the Council under rule 6. Under that rule, “the Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter”. Effect is normally given to this rule by the distribution of communications as documents in the S/-series. Communications from regional arrangements or agencies received pursuant to Article 54 of the Charter are also circulated in the S/-series of documents.

Rule 7 entrusts the drawing up of the provisional agenda for each meeting to the Secretary-General, subject to the approval of the President of the Security Council. The Secretary-General’s discretion with respect to the inclusion of new items is restricted to those items that have been brought to the attention of the Council under rule 6. In addition to the express provisions of rule 7, the Secretary-General also has to take into account whether a specific request to include the item has been made.

Rule 8 concerns communication of the provisional agenda to the representatives on the Security Council, and rule 12, paragraph 1, concerns such communication for periodic meetings. Since, during the period under review, no periodic meetings were convened, no material relating to the latter rule was found.

A. Circulation of communications by the Secretary-General (rule 6)

In accordance with rule 6, the Secretary-General continued the practice of distributing communications as documents in the S/-series. During the period under review, there were no instances in which the question of circulation of communications arose.

B. Preparation of the provisional agenda (rule 7)

In accordance with rule 7, the Secretary-General continued the practice of drawing up the provisional agenda for each meeting, subject to the approval of the President of the Security Council. During the period under review, there was no instance in which the subject of the preparation of the provisional agenda gave rise to a discussion in the Council.

C. Communication of the provisional agenda (rule 8)

In accordance with rule 8, the Secretary-General continued to communicate the provisional agenda to the representatives on the Security Council. Pursuant to prior decisions¹ of the Council, the provisional agendas for meetings of the Council were also listed in the *Journal of the United Nations*, as were the topics to be discussed in informal consultations of the members of the Council.

¹ Note by the President dated 30 June 1993 (S/26015); and statement by the President of 4 November 1994 (S/PRST/1994/62).

Part II

Adoption of the agenda (rule 9)

Note

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda.² In practice, the Council usually discusses and approves the provisional agenda in prior informal consultations and then adopts it at the formal meeting without a vote. During the period under review, there was no occasion on which an objection was raised on grounds related to the procedure of the Council in voting on the adoption of the agenda or the substance of the item(s) inscribed on the provisional agenda. Objections on the adoption of the agenda were also precluded by the practice of the Council of inscribing a single substantive item on its provisional agenda for each meeting.

In the section below, which covers other questions that were discussed in connection with the adoption of the agenda, three case histories and related material have been included under the following three subheadings: “Scope of items on the agenda in relation to the scope of the discussion” (cases 1 and 2); “Phrasing of agenda items”; and “Postponement of consideration of items” (case 3). No material was found for treatment under the other subheadings included in previous volumes of the *Repertoire*, dealing with the order of discussion of items on the agenda and precedence of the decision on adoption of the agenda.

During the period under review, the Council included 68 new items in its agenda.³ Notably, of the new items, several dealt with thematic issues. Additional items were of a recurring nature, such as those relating to wrap-up discussions on the monthly work of the Security Council, meetings with troop-contributing countries pursuant to resolution 1353

² There were several instances in which, in accordance with past practice, the President of the Council made preliminary remarks before the adoption of the agenda, such as expressions of thanks, congratulations, tributes and expressions of sympathy, including the observation of a minute of silence. For example, at the 4247th meeting on 14 December 2000, the President spoke briefly, welcoming the decision by Ukraine to close the Chernobyl nuclear power station on 15 December.

³ For a complete list of the new items, see table B in part III.

(2001), annex II, sections A and B, and Security Council missions.

With a view to improving clarity and transparency, and to facilitate understanding by the press regarding the work of the Security Council, by a note by the President dated 26 March 2002,⁴ it was agreed that the President of the Council would in public meetings introduce agenda items by specifying the agenda item/issue for consideration, unless otherwise agreed in prior consultations.

Discussions on the adoption of the agenda

A. Scope of items on the agenda in relation to the scope of the discussion

Case 1

While discussions in the Security Council are usually limited to the item on the agenda, on a few occasions representatives asserted that a previous speaker had addressed situations or issues that were not on the Council’s agenda or that did not strictly fall under the scope of the item under consideration.⁵ In

⁴ S/2002/316.

⁵ For instance, at the 4219th meeting, held on 10 November 2000, at which Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, briefed the Council, the representative of Canada expressed the view that the United Nations High Commissioner for Refugees (UNHCR) had “spoken eloquently and thoughtfully of the challenges facing refugees and humanitarian organizations in countries which are on the Security Council’s agenda — and of those countries which were not but perhaps should have been” (S/PV.4219, p. 16). At the 4245th meeting, held on 12 December 2000, on the situation in Bosnia and Herzegovina the representative of the United Kingdom expressed his appreciation that the representative of the United States had “used the occasion to address us not just on the subject on the agenda, but also on the subject that will be uppermost in our minds between now and 22 December [the scales of assessment for the United Nations regular and peacekeeping budgets]” (S/PV.4245, p. 13). At the 4568th meeting, held on 10 July 2002, on the situation in Bosnia and Herzegovina, the representative of Yugoslavia noted that the Council was

one instance, at the 4762nd meeting of the Council, held on 22 May 2003, concerning the agenda item entitled “Response to the humanitarian situation in Iraq”, the representative of the Syrian Arab Republic took the floor in explanation of the vote that had taken place at the 4761st meeting in connection with the item entitled “The situation between Iraq and Kuwait”. Before giving the floor, the President noted that, following informal consultations with Council members and with their concurrence, he was calling on the representative of the Syrian Arab Republic to make a statement regarding the Council’s proceedings at the previous meeting.⁶ The full statement of the representative of the Syrian Arab Republic was recorded in the verbatim record of the 4762nd meeting; a footnote was inserted in the verbatim record of the 4761st meeting, cross-referencing his statement.⁷

Case 2

In another instance, at the 4194th meeting, held on 7 September 2000, the Council had included in its agenda the item entitled “Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa”. At the same meeting, the President made a statement on behalf of the Council in connection with the situation in the Democratic Republic of the Congo.⁸ Prior to the issuance of the statement, the President noted that he had “one other brief item of business” and announced that the representatives had discussed and agreed on the wording of a presidential statement on the Democratic Republic of the Congo. He asked whether he could assume that the representatives approved that statement and were content that it would

discussing extremely important issues (the International Criminal Court and United Nations peacekeeping) that transcended the item on the Council’s agenda (S/PV.4568 (Resumption 1), p. 13). The issue was subsequently discussed under a new item entitled “United Nations peacekeeping”. At the 4616th meeting, held on 26 September 2002, on the draft report of the Security Council to the General Assembly, the representative of Colombia stated that, as indicated in its agenda, the meeting had been convened to consider the draft report of the Security Council to the General Assembly, and that it should not be made into some kind of wrap-up on the Council’s agenda and performance (S/PV.4616, p. 22).

⁶ For details, see S/PV.4762 (Resumption 1), p. 20.

⁷ See S/PV.4761, p. 2.

⁸ S/PRST/2000/28.

be issued at that meeting. There being no objection, he declared that he would arrange for the statement to be issued as document S/PRST/2000/28.⁹

B. Phrasing of agenda items

In some instances, references were made to the wording or merging of items.¹⁰ In two instances, the wording of existing items was amended, as follows: (a) in accordance with a note by the President dated 27 August 2002,¹¹ the wording of items concerning “Meeting of the Security Council with troop-contributing countries ... pursuant to resolution 1353 (2001), annex II, section A” was revised to read “Meeting of the Security Council with troop-contributing countries ... pursuant to resolution 1353 (2001), annex II, sections A and B”; and (b) as from the 4646th meeting, held on 14 November 2002, the wording of the item “The situation in East Timor” was revised to read “The situation in Timor-Leste”.¹²

C. Postponement of consideration of items

Case 3

In one instance, immediately following the adoption of the agenda, the consideration of the item was postponed until a specific time and date. At the 4820th meeting on 9 September 2003, the Security Council met to consider the item relating to the

⁹ S/PV.4194, p. 21.

¹⁰ At the 4109th meeting, held on 9 March 2000, on the item entitled “Maintaining peace and security: humanitarian aspects of issues before the Security Council”, the representative of Egypt stated that the title of the item provided a very loose framework for discussion, making it very difficult for many Member States to address the issue accurately or speak about it in specific or definitive terms. He added that the term “humanitarian aspects” could be used to raise various subjects and ideas and involved “too many concepts and measures” (S/PV.4109, p. 20). At the 4684th meeting on the protection of children and armed conflict, held on 14 January 2003, the representative of Japan suggested that, owing to their interrelatedness, the items on children and armed conflict, protection of civilians in armed conflict, and women and peace and security could well be addressed under a single agenda item (S/PV.4684 (Resumption 1), p. 40).

¹¹ S/2002/964.

¹² S/PV.4646.

destruction of Pan Am flight 103 over Lockerbie, Scotland, in 1988 and UTA flight 772 over Niger in 1989. A sub-item related to voting on a draft resolution¹³ that would lift the sanctions imposed on the Libyan Arab Jamahiriya. Following the adoption of the agenda, the President of the Council stated that, in regard to the destruction of Pan Am flight 103, the Libyan Arab Jamahiriya had accepted responsibility, agreed to pay a substantial sum of compensation and cooperate with any further investigation, and had renounced terrorism. In considering the agenda before it, the Security Council was also conscious of two factors: first, the need to act unanimously; and second, that there were other very legitimate concerns pertaining to the Libyan Arab Jamahiriya that still needed resolution. In recognition of those factors, his colleagues on the Council, in a prior informal meeting, had concluded that the most appropriate course would be for the President, invoking rule 33 of the Council's provisional rules of procedure, to propose the

¹³ S/2003/824.

adjournment of the present meeting until 10.30 a.m. on 12 September 2003, in the expectation that the agenda that had just been adopted would be the agenda before the Council on 12 September.¹⁴

The President then put the procedural motion to the vote. It was carried unanimously and the meeting was adjourned.

At the 4820th meeting (Part II) on 12 September 2003, the Council, in accordance with the arrangement approved at the previous meeting, did not subject the item to renewed debate in connection with the adoption of the agenda. The Council continued its consideration of the item and sub-item adopted at the 4820th meeting and voted on the draft resolution, which was adopted as resolution 1506 (2003).¹⁵

¹⁴ S/PV.4820 (Part I), p. 2.

¹⁵ S/PV.4820 (Part II).

Part III

The agenda and matters of which the Security Council is seized (rules 10 and 11)

Note

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connection with the adoption of the agenda. No discussion concerning the application of that rule occurred during the period under review. On many occasions, separate consecutive meetings were held on the same agenda item.¹⁶ In other instances, the meeting was suspended and resumed until the Council

¹⁶ For example, the 4233rd and 4234th meetings, held in private on 27 November 2000, on the situation in the Middle East, including the Palestinian question; the 4418th and 4419th meetings, held on 15 November 2001, on the situation in Angola; the 4658th and 4659th meetings, held in private on 9 December 2002, on the situation in the Central Africa Republic; and the 4707th, 4708th and 4709th meetings on the situation between Iraq and Kuwait, the 4708th meeting having been held in private, on 14, 18 and 19 February 2003, respectively.

had completed that stage of its consideration of the item.¹⁷ In one instance, following the adoption of a procedural motion to adjourn the meeting until a specific time and date, the Council continued the second part of that meeting at the agreed time and date, three days later.¹⁸

Rule 11 provides for the Secretary-General to communicate each week to the representatives on the Security Council a summary statement of matters of

¹⁷ For example, the 4208th meeting, held on 24 October 2000 and resumed on 24 and 25 October, on women, peace and security; the 4934th meeting, held on 22 October 2001 and resumed on 25 October, on general issues relating to sanctions; the 4522nd meeting, held on 26 April 2002 and resumed on 29 April, on the situation in East Timor; and the 4726th meeting, held on 26 March 2003, on the situation between Iraq and Kuwait.

¹⁸ See the 4820th meeting (Part I), on the letters dated 20 and 23 December 1999 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, held on 9 September 2003 and adjourned until 12 September (Part II). See also case 3 above.

which the Security Council is seized and of the stage reached in their consideration. Items remained on the list of matters of which the Council was seized when the tenor of the Council's discussion or its specific decisions revealed a continuing concern with the matter. Such retention was confirmed when the President of the Council announced, upon conclusion of the debate, that the Council remained seized of a question.

During the period under review, items were deleted from the list of matters of which the Security Council was seized when (a) the item had not been considered in the preceding five years and no request for its retention had been made; or (b) the Council had formally concluded its consideration of the item.

The reformatted and streamlined tables in sections A, B and C supplement the tables contained in the previous volumes of the *Repertoire* and indicate the changes that have since occurred in the list of matters of which the Council is seized.

Practice of the Security Council regarding the retention and deletion of items from the list of matters of which the Council is seized (rule 11)

In what has become usual practice, items which have not been considered in the preceding five years are automatically deleted from the list of matters of which the Security Council is seized, unless a Member State notifies the Secretary-General beforehand of its wish to have the item retained.¹⁹ Thirty-five items were deleted during the period under review using this procedure. Items are also deleted following a request addressed to the Secretary-General by the Member State concerned and in the absence of any objection on the part of the members of the Council. No such

¹⁹ The procedure was set out in two notes by the President of the Council, dated 30 July and 29 August 1996, respectively (S/1996/603 and S/1996/704).

request was made. In addition, items may be deleted by a decision of the Council taken at the close of a Council meeting. One item was deleted using this procedure, details of which are provided below.

Case 4

At the 4820th meeting (Part II) on 12 September 2003, the Security Council adopted resolution 1506 (2003), by which, acting under Chapter VII of the Charter, it decided to lift the sanctions against the Libyan Arab Jamahiriya; decided also to dissolve the Committee established pursuant to resolution 748 (1992); and decided further that it had concluded its consideration of the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America" and thereby removed that item from the list of matters of which the Council was seized.

Addition, retention and deletion of items during the period under review

The tables that follow have been reformatted and streamlined. Table A indicates items added to the list of matters of which the Council was seized during the period under review; table B indicates items that appeared in previous volumes of the *Repertoire* for which new action by the Security Council was reported in the summary statements issued during the period 2000 to 2003; and table C indicates items deleted from the list during that period.²⁰ The tables show that during the period under review the Council included 68 new items in the list of matters of which it was seized and deleted 36 items.

²⁰ Information compiled from the following summary statements: S/2000/40 and Add.1-51; S/2001/15 and Add.1-52; S/2002/30 and Add.1-51; and S/2003/40 and Add.1-51.

A. Items added to the list of matters of which the Security Council was seized during the period 2000-2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones	4100th meeting 9 February 2000	S/2000/40/Add.5 28 March 2000	Adopted resolution 1502 (2003) 4814th meeting 26 August 2003
Briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans	4105th meeting 28 February 2000	S/2000/40/Add.8 14 April 2000	Heard statements 4164th meeting 23 June 2000
Maintaining peace and security: humanitarian aspects of issues before the Security Council	4109th meeting 9 March 2000	S/2000/40/Add.9 19 April 2000	President made a statement (S/PRST/2000/7) 4110th meeting
General issues relating to sanctions	4128th meeting 17 April 2000	S/2000/40/Add.15 23 May 2000	Heard statements 4713th meeting 25 February 2003
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	4172nd meeting 17 July 2000	S/2000/40/Add.28 31 July 2000	Heard statements 4859th meeting 17 November 2003
Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa	4194th meeting 7 September 2000	S/2000/40/Add.35 15 September 2000	President made a statement (S/PRST/2001/10) 4302nd meeting 22 March 2001
The situation in the Middle East, including the Palestinian question	4204th meeting 3, 4 and 5 October 2000	S/2000/40/Add.39 13 October 2000	Heard statements 4879th meeting 12 December 2003
Women and peace and security	4208th meeting 24 and 25 October 2000	S/2000/40/Add.42 3 November 2000	Heard statements 4852nd meeting 29 October 2003
Briefing by Judge Gilbert Guillaume, President of the International Court of Justice	4212th meeting 31 October 2000	S/2000/40/Add.43 10 November 2000	Issued a communiqué 4636th meeting (private) 29 October 2002
Briefing by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees	4219th meeting 10 November 2000	S/2000/40/Add.44 17 November 2000	Heard statements 4219th meeting

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Ensuring an effective role of the Security Council in the maintenance of international peace and security	4220th meeting 13 November 2000	S/2000/40/Add.45 24 November 2000	Adopted resolution 1327 (2000) 4220th meeting
No exit without strategy	4223rd meeting 15 November 2000	S/2000/40/Add.45 24 November 2000	Heard statements 4223rd meeting (res. 1)
Letter dated 10 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Solomon Islands to the United Nations addressed to the President of the Security Council (S/2000/1088)	4224th meeting 16 November 2000	S/2000/40/Add.45 24 November 2000	President made a statement (S/PRST/2000/33) 4224th meeting
Briefing by the Secretary-General	4226th meeting 17 November 2000	S/2000/40/Add.45 24 November 2000	Issued a communiqué 4226th meeting (private)
The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone	4252nd meeting 21 December 2000	S/2000/40/Add.50 29 December 2000	President made a statement (S/PRST/2000/41) 4252nd meeting
Strengthening cooperation with troop-contributing countries	4257th meeting 16 January 2001	S/2001/15/Add.3 28 March 2001	Adopted resolution 1353 (2001) 4326th meeting 13 June 2001
Briefing by His Excellency Mr. Mircea Geoana, Minister for Foreign Affairs of Romania, Chairman-in-Office of the Organization for Security and Cooperation in Europe	4266th meeting 29 January 2001	S/2001/15/Add.5 2 April 2001	Issued a communiqué 4266th meeting (private)
Peacebuilding: towards a comprehensive approach	4272nd meeting 5 February 2001	S/2001/15/Add.6 4 April 2001	President made a statement (S/PRST/2001/5) 4278th meeting 20 February 2001
The situation in Guinea following recent attacks along its border with Liberia and Sierra Leone The situation in Liberia The situation in Sierra Leone	4276th meeting 12 February 2001	S/2001/15/Add.7 6 April 2001	Issued a communiqué 4276th meeting (private)

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Letter dated 4 March 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council	4289th meeting 7 March 2001	S/2001/15/Add.10 13 April 2001	Adopted resolution 1345 (2001) 4301st meeting 21 March 2001
The situation along the borders of Guinea, Liberia and Sierra Leone	4291st meeting 8 March 2001	S/2001/15/Add.10 13 April 2001	Heard statements 4291st meeting
The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone The situation in Sierra Leone	4319th meeting 14 May 2001	S/2001/15/Add.20 25 May 2001	Heard statements 4319th meeting
Wrap-up discussion on the work of the Security Council for the month of June 2001	4343rd meeting 29 June 2001	S/2001/15/Add.26 6 July 2001	Heard statements 4343rd meeting
Wrap-up discussion on the work of the Security Council for the current month	4363rd meeting 31 August 2001	S/2001/15/Add.35 7 September 2001	Heard statements 4818th meeting 28 August 2003
Security Council resolution 1160 (1998) of 31 March 1998	4366th meeting 10 September 2001	S/2001/15/Add.37 21 September 2001	Adopted resolution 1367 (2001) 4366th meeting
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Eritrea and Ethiopia pursuant to resolution 1353 (2001), annex II, sections A and B ^a	4369th meeting 10 September 2001	S/2001/15/Add.37 21 September 2001	Issued a communiqué 4821st meeting (private) 9 September 2003
Threats to international peace and security caused by terrorist acts	4370th meeting 12 September 2001	S/2001/15/Add.37 21 September 2001	Adopted resolution 1516 (2003) 4867th meeting 20 November 2003
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Sierra Leone pursuant to resolution 1353 (2001), annex II, sections A and B	4371st meeting 13 September 2001	S/2001/15/Add.37 21 September 2001	Issued a communiqué 4827th meeting (private) 16 September 2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Briefing by His Excellency Mr. Nebojša Čović, Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia	4373rd meeting 17 September 2001	S/2001/15/Add.38 28 September 2001	Issued a communiqué 4373rd meeting (private)
Security Council resolution 1054 (1996) of 26 April 1996	4384th meeting 28 September 2001	S/2001/15/Add.39 5 October 2001	Adopted resolution 1372 (2001) 4384th meeting
Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission pursuant to resolution 1353 (2001), annex II, sections A and B	4386th meeting 2 October 2001	S/2001/15/Add.40 12 October 2001	Issued a communiqué 4781st meeting (private) 1 July 2003
Nobel Peace Prize	4390th meeting 12 October 2001	S/2001/15/Add.41 19 December 2001	President made a statement (S/PRST/2001/28) 4390th meeting
Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, sections A and B	4391st meeting 18 October 2001	S/2001/15/Add.42 26 December 2001	Issued a communiqué 4767th meeting (private) 4 June 2003
Meeting of the Security Council with the troop-contributing countries to the United Nations Transitional Administration in East Timor pursuant to resolution 1353 (2001), annex II, sections A and B	4397th meeting 25 October 2001	S/2001/15/Add.43 2 November 2001	Issued a communiqué 4527th meeting (private) 6 May 2002
Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force pursuant to resolution 1353 (2001), annex II, sections A and B	4425th meeting 21 November 2001	S/2001/15/Add.47 30 November 2001	Issued a communiqué 4878th meeting (private) 11 December 2003

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, sections A and B	4426th meeting 21 November 2001	S/2001/15/Add.47 30 November 2001	Issued a communiqué 4847th meeting (private) 23 October 2003
Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus pursuant to resolution 1353 (2001), annex II, sections A and B	4435th meeting 7 December 2001	S/2001/Add.49 14 December 2001	Issued a communiqué 4866th meeting (private) 20 November 2003
Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council (S/2001/434)	4439th meeting 18 December 2001	S/2001/15/Add.51 28 December 2001	President made a statement (S/PRST/2001/38) 4440th meeting 19 December 2001
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka pursuant to resolution 1353 (2001), annex II, sections A and B	4446th meeting 10 January 2002	S/2002/30/Add.1 22 March 2002	Issued a communiqué 4620th meeting (private) 10 October 2002
Security Council Working Group on Peacekeeping Operations	4447th meeting 14 January 2002	S/2002/30/Add.2 25 March 2002	Issued a communiqué Approved a note by the President (S/2002/56) 4447th meeting (private)
Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, sections A and B	4455th meeting 21 January 2002	S/2002/30/Add.3 26 March 2002	Issued a communiqué 4795th meeting (private) 25 July 2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B	4457th meeting 24 January 2002	S/2002/30/Add.3 26 March 2002	Issued a communiqué 4796th meeting (private) 25 July 2003
Briefing by Mr. Ruud Lubbers, United Nations High Commissioner for Refugees	4470th meeting 7 February 2002	S/2002/30/Add.5 1 April 2002	Heard statements 4470th meeting
Food aid in the context of conflict settlement: Afghanistan and other crisis areas	4507th meeting 4 April 2002	S/2002/30/Add.13 9 April 2002	Heard statements 4507th meeting
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Bosnia and Herzegovina pursuant to resolution 1353 (2001), annex II, sections A and B	4553rd meeting 13 June 2002	S/2002/30/Add.23 21 June 2002	Issued a communiqué 4553rd meeting (private)
United Nations peacekeeping	4572nd meeting 12 July 2002	S/2002/30/Add.27 19 July 2002	Adopted resolution 1487 (2003) 4772nd meeting 12 June 2003
High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism	4607th meeting 11 September 2002	S/2002/30/Add.36 20 September 2002	President made a statement (S/PRST/2002/25) 4607th meeting
Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th meeting 22 October 2002	S/2002/30/Add.42 1 November 2002	President made a statement (S/PRST/2002/31) 4640th meeting 31 October 2002
Africa's food crisis as a threat to peace and security	4652nd meeting 3 December 2002	S/2002/30/Add.48 13 December 2002	Heard statements 4736th meeting 7 April 2003

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2002/1317)	4659th meeting 9 December 2002	S/2002/30/Add.49 20 December 2002	Issued a communiqué 4659th meeting (private)
Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations	4673rd meeting 18 December 2002	S/2002/30/Add.50 27 December 2002	Heard statements 4673rd meeting
The situation in Côte d'Ivoire	4680th meeting 20 December 2002	S/2002/30/Add.50 27 December 2002	President made a statement (S/PRST/2003/25) 4875th meeting 4 December 2003
High-level meeting of the Security Council: combating terrorism	4688th meeting 20 January 2003	S/2003/40/Add.3 21 February 2003	Adopted resolution 1456 (2003) 4688th meeting
Kimberley Process Certification Scheme	4694th meeting 28 January 2003	S/2003/40/Add.4 24 February 2003	Adopted resolution 1460 (2003) 4694th meeting
Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa	4720th meeting 18 March 2003	S/2003/40/Add.11 28 March 2003	Adopted resolution 1467 (2003) 4720th meeting

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
The Security Council and regional organizations: facing the new challenges to international peace and security	4739th meeting 11 April 2003	S/2003/40/Add.14 26 September 2003	Heard statements 4739th meeting
The role of the Security Council in the pacific settlement of disputes	4753rd meeting 13 May 2003	S/2003/40/Add.19 23 May 2003	President made a statement (S/PRST/2003/5) 4753rd meeting
Response to the humanitarian situation in Iraq	4762nd meeting 22 May 2003	S/2003/40/Add.20 30 May 2003	Heard statements 4762nd meeting
Security Council mission	4775th meeting 18 June 2003	S/2003/40/Add.24 27 June 2003	Heard statements 4855th meeting 11 November 2003
Meeting of the Security Council with the potential troop and civilian police-contributing countries to the proposed United Nations peacekeeping operation in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B	4825th meeting 15 September 2003	S/2003/40/Add.37 26 September 2003	Issued a communiqué 4825th meeting (private)
Justice and the rule of law: the United Nations role	4833rd meeting 24 September 2003	S/2003/40/Add.38 3 October 2003	Heard statements 4835th meeting 30 September 2003
Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939)	4836th meeting 5 October 2003	S/2003/40/Add.40 17 October 2003	Heard statements 4836th meeting
Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943)			

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/934)	4839th meeting 10 October 2003	S/2003/40/Add.40 17 October 2003	President made a statement (S/PRST/2003/16) 4839th meeting
Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Côte d'Ivoire pursuant to resolution 1353 (2001), annex II, sections A and B	4854th meeting 7 November 2003	S/2003/Add.44 14 November 2003	Issued a communiqué 4854th meeting (private)
The importance of mine action for peacekeeping operations	4858th meeting 13 November 2003	S/2003/40/Add.45 21 November 2003	President made a statement (S/PRST/2003/22) 4864th meeting 19 November 2003
Central African region	4871st meeting 24 November 2003	S/2003/40/Add.47 5 December 2003	Heard statements 4871st meeting
Briefings by Chairmen of Security Council committees and working groups	4888th meeting 22 December 2003	S/2003/40/Add.51 2 January 2004	Heard statements 4888th meeting

^a In accordance with the note by the President of the Security Council dated 27 August 2002 (S/2002/964), the wording of items concerning "Meeting of the Security Council with troop-contributing countries [...] pursuant to resolution 1353 (2001), annex II, section A" was revised to read "Meeting of the Security Council with troop-contributing countries [...] pursuant to resolution 1353 (2001), annex II, sections A and B".

B. Items that appeared in previous volumes of the *Repertoire* on which new action by the Security Council was reported in summary statements issued during the period 2000-2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
The situation in the Middle East	1341st meeting 21 May 1967	S/7913 29 May 1967	Adopted resolution 1520 (2003) President made a statement (S/PRST/2003/29) 4889th meeting 22 December 2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
The situation in Cyprus	1779th meeting 16 July 1974	S/11185/Add.28 24 July 1974	Adopted resolution 1517 (2003) 4870th meeting 24 November 2000
The situation concerning Western Sahara	1849th meeting 20 October 1975	S/11593/Add.42 29 October 1975	Adopted resolution 1513 (2003) 4850th meeting 28 October 2003
The situation in Timor-Leste ^a	1864th meeting 15 December 1975	S/11593/Add.50 23 December 1975	Heard statements 4843rd meeting 15 October 2003
The situation between Iraq and Kuwait	2932nd meeting 2 August 1990	S/21100/Add.30 10 August 1990	President made a statement (S/PRST/2003/28) 4887th meeting 18 December 2003
The situation in Liberia	2974th meeting 22 January 1991	S/22110/Add.3 and Corr.1 1 and 5 February 1991	Adopted resolution 1521 (2003) 4890th meeting 22 December 2003
The situation in Somalia	3060th meeting 17 March 1992	S/23370/Add.11 27 March 1992	Adopted resolution 1519 (2003) 4885th meeting 16 December 2003
The situation in Bosnia and Herzegovina	3113th meeting 9 September 1992	S/23370/Add.36 14 September 1992	Heard statements 4837th meeting 8 October 2003
The situation in Georgia	3121st meeting 8 October 1992	S/23370/Add.40 12 October 1992	Adopted resolution 1494 (2003) 4800th meeting 30 July 2003
The situation in Angola	3168th meeting 29 January 1993	S/25070/Add.4 4 February 1993	Heard statements 4671st meeting 17 December 2002
The situation concerning Rwanda	3183rd meeting 12 March 1993	S/25070/Add.10 22 March 1993	Heard statements 4127th meeting 14 April 2000
The question concerning Haiti	3238th meeting 16 June 1993	S/25070/Add.24 6 July 1993	President made a statement (S/PRST/2000/8) 4112th meeting 15 March 2000

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
The situation in the former Yugoslav Republic of Macedonia	3239th meeting 18 June 1993	S/25070/Add.24 6 July 1993	Adopted resolution 1371 (2001) 4381st meeting 26 September 2001
The situation in Tajikistan and along the Tajik-Afghan border	3266th meeting 23 August 1993	S/25070/Add.34 3 September 1993	President made a statement (S/PRST/2000/17) 4141st meeting 12 May 2000
The situation in Croatia	3275th meeting 14 September 1993	S/25070/Add.37 24 September 1993	President made a statement (S/PRST/2002/34) 4662nd meeting 12 December 2002
The situation in Burundi	3297th meeting 25 October 1993	S/25070/Add.43 4 November 1993	President made a statement (S/PRST/2003/30) 4891st meeting 22 December 2003
The situation in Afghanistan	3330th meeting 24 January 1994	S/1994/20/Add.3 3 February 1994	Heard statements 4848th meeting 24 October 2003
The situation in Sierra Leone	3597th meeting 27 November 1995	S/1995/40/Add.47 8 December 1995	Adopted resolution 1508 (2003) 4829th meeting 19 September 2003
International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	3637th meeting 29 February 1996	S/1996/15/Add.8 8 March 1996	Heard statements 4838th meeting 9 October 2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994			
International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	3663rd meeting 8 May 1996	S/1996/18/Add.18 17 May 1996	Adopted resolution 1481 (2003) 4759th meeting 19 May 2003
The situation in the Great Lakes region	3708th meeting 1 November 1996	S/1996/15/Add.43 8 November 1996	President made a statement (S/PRST/2003/23) 4865th meeting 20 November 2003
The situation concerning the Democratic Republic of the Congo	3784th meeting 29 May 1997	S/1997/40/Add.21	President made a statement (S/PRST/2003/21) 4863rd meeting 19 November 2003
The situation in the Central African Republic	3808th meeting 6 August 1997	S/1997/40/Add.31 15 August 1997	Issued a communiqué 4658th meeting (private) 9 December 2002
The situation in Africa	3819th meeting 25 September 1997	S/1997/40/Add.38 3 October 1997	Heard statements 4577th meeting 18 July 2002

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)	3874th meeting 22 April 1998	S/1998/44/Add.16 1 May 1998	Heard statements 4881st meeting 15 December 2003
The responsibility of the Security Council in the maintenance of international peace and security	3881st meeting 14 May 1998	S/1998/44/Add.19 22 May 1998	President made a statement (S/PRST/2000/38) 4243rd meeting 6 December 2000
The situation between Eritrea and Ethiopia	3895th meeting 26 June 1998	S/1998/44/Add.25 2 July 1998	Adopted resolution 1507 (2003) 4822nd meeting 12 September 2003
Children and armed conflict	3897th meeting 29 June 1998	S/1998/44/Add.26 10 July 1998	Adopted resolution 1460 (2003) 4695th meeting 30 January 2003
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994	3908th meeting 15 July 1998	S/1998/44/Add.28 24 July 1998	Adopted resolution 1512 (2003) President made a statement (S/PRST/2003/18) 4849th meeting 27 October 2003
The situation in Guinea-Bissau	3940th meeting 6 November 1998	S/1998/44/Add.44 13 November 1998	Issued a communiqué 4860th meeting (private) 18 November 2003

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
Maintenance of peace and security and post-conflict peacebuilding	3954th meeting 16 December 1998	S/1998/44/Add.50 24 December 1998	President made a statement (S/PRST/2000/10) 4119th meeting 23 March 2000
Protection of civilians in armed conflict	3977th meeting 12 February 1999	S/1999/25/Add.5 19 February 1999	President made a statement (S/PRST/2003/27) 4882nd meeting 15 December 2003
Promoting peace and security: humanitarian assistance to refugees in Africa	4025th meeting 26 July 1999	S/1999/25/Add.29 6 August 1999	President made a statement (S/PRST/2000/1) 4089th meeting 13 January 2000
Small arms	4048th meeting 24 September 1999	S/1999/25/Add.37 1 October 1999	President made a statement (S/PRST/2002/30) 4639th meeting 31 October 2002
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4061st meeting (private) 5 November 1999	S/1999/25/Add.43 12 November 1999	Heard statements 4886th meeting 17 December 2003
Role of the Security Council in the prevention of armed conflicts	4072nd meeting 29 and 30 November 1999	S/1999/25/Add.47 10 December 1999	Adopted resolution 1366 (2001) 4360th meeting 30 August 2001
Admission of new Members^b			
Tuvalu	4093rd meeting 28 January 2000	S/2000/40/Add.3 11 March 2000	Recommended 4103rd meeting 17 February 2000
Yugoslavia	4214th meeting 31 October 2000	S/2000/40/Add.43 10 November 2000	Recommended 4215th meeting 31 October 2000
East Timor	4540th meeting 22 May 2002	S/2002/30/Add.20 31 May 2002	Recommended 4542nd meeting 23 May 2002
Swiss Confederation	4584th meeting 24 July 2002	S/2002/30/Add.29 2 August 2002	Recommended 4585th meeting 24 July 2002

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<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in the summary statement</i>	<i>Last action by the Council as at 31 December 2003</i>
International Court of Justice^c			
Election of a member of the International Court of Justice	4107th meeting 2 March 2000	S/2000/40/Add.8 14 April 2000	Recommended one candidate to fill vacancy 4107th meeting
Date of election to fill a vacancy in the International Court of Justice	4345th meeting 5 July 2001	S/2001/15/Add.27 13 July 2001	Adopted resolution 1361 (2001) 4345th meeting
Election of a member of the International Court of Justice	4389th meeting 12 October 2001	S/2001/15/Add.41 19 December 2001	Recommended one candidate to fill vacancy 4389th meeting
Election of five members of the International Court of Justice	4629th meeting 21 October 2002	S/2002/30/Add.42 1 November 2002	Recommended five candidates to fill vacancies 4629th meeting
Appointment of the Secretary-General^d			
Recommendation for the appointment of the Secretary-General of the United Nations	4337th meeting 27 June 2001	S/2001/15/Add.26 6 July 2001	Adopted resolution 1358 (2001) without vote 4337th meeting (private)
Consideration of the draft report of the Security Council to the General Assembly^e			
Report covering period 16 June 1999-15 June 2000	4192nd meeting 31 August 2000	S/2000/40/Add.34 8 September 2000	Adopted draft report Issued note (S/2000/839) 4192nd meeting
Report covering period 16 June 2000-15 June 2001	4375th meeting 18 September 2001	S/2001/15/Add.38 28 September 2001	Adopted draft report Issued note (S/2001/876) 4375th meeting
Report covering period 16 June 2001-31 July 2002	4616th meeting 26 September 2002	S/2002/30/Add.38 4 October 2002	Adopted draft report Issued note (S/2002/1068) 4616th meeting
Report covering period 1 August 2002-31 July 2003	4831st meeting 19 September 2003	S/2003/40/Add.37 26 September 2003	Adopted draft report Issued note (S/2003/893) 4831st meeting

(Footnotes on following page)

(Footnotes to Table)

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- ^a As from the 4646th meeting, held on 14 November 2002, the wording of the item “The situation in East Timor” was revised to read “The situation in Timor-Leste”.
- ^b During the period under review, the Security Council completed consideration of four applications for membership under the item “Admission of new Members”. For details, see chapter VII of the present Supplement.
- ^c While Security Council action related to the International Court of Justice does not comprise an item of which the Security Council is seized, such action is described in introductory material contained in the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration. It is included in this table for the convenience of the reader.
- ^d While the recommendation regarding the appointment of the Secretary-General of the United Nations is not listed as an item of which the Security Council is seized, Security Council action related to such a recommendation is described in introductory material contained in the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration. It is included in this table for the convenience of the reader.
- ^e While action related to consideration by the Security Council of its draft report to the General Assembly is not listed as an item of which the Security Council is seized, Security Council action related to such consideration is described in introductory material contained in the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration. It is included in this table for the convenience of the reader.

C. Items that were deleted from the list of matters of which the Security Council was seized during the period 2000-2003

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
(a) The situation between Iraq and Kuwait	3059th meeting 11 and 12 March 1992	President made a statement (S/24843)	S/2001/15
(b) Letter dated 2 April 1991 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/22435)		3139th meeting 23 and 24 November 1992	
Letter dated 4 April 1991 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council (S/22442)			
Letter dated 5 March 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Belgium to the United Nations addressed to the President of the Security Council (S/23685)			
Navigation on the Danube river in the Federal Republic of Yugoslavia (Serbia and Montenegro)	3290th meeting 13 October 1993	President made a statement (S/PRST/1994/10)	S/2001/15
Note by the Secretary-General (S/1994/254)	3357th meeting 31 March 1994	3348th meeting 14 March 1994	
Note by the Secretary-General (S/1994/322)		President made a statement (S/PRST/1994/13)	S/2001/15
Agreement signed on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994	3363rd meeting 14 April 1994	3357th meeting	
		Adopted resolution 926 (1994)	S/2001/15
		3389th meeting 13 June 1994	

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
Note by the Secretary-General transmitting a letter dated 27 May 1994 from the Director General of the International Atomic Energy Agency (IAEA) addressed to the Secretary-General (S/1994/631)	3383rd meeting 30 May 1994	President made a statement (S/PRST/1994/28) 3383rd meeting	S/2001/15
The situation in the Republic of Yemen	3386th meeting 1st June 1994	President made a statement (S/PRST/1994/30) 3396th meeting 30 June 1994	S/2001/15
Agreed framework of 21 October 1994 between the United States of America and the Democratic People's Republic of Korea	3451st meeting 4 November 1994	President made a statement (S/PRST/1994/64) 3451st meeting	S/2001/15
The situation prevailing in and around the safe area of Bihać	3461st meeting 19 November 1994	Adopted resolution 958 (1994) 3461st meeting	S/2001/15
Letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council (S/1994/1418)	3480th meeting 14 December 1994	Adopted resolution 967 (1994) 3480th meeting	S/2001/15
An agenda for peace: preventive diplomacy, peacemaking and peacekeeping	3089th meeting 30 June 1992	President made a statement (S/PRST/1995/61) 3609th meeting 19 December 1995	S/2002/30
The situation in Mozambique	3123rd meeting 13 October 1992	Heard statements 3494th meeting 27 January 1995	S/2002/30
The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia	3163rd meeting 25 January 1993	President made a statement (S/PRST/1995/2) 3491st meeting 17 January 1995	S/2002/30

Repertoire of the Practice of the Security Council

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
Follow-up to resolution 817 (1993)	3243rd meeting 18 June 1993	President made a statement (S/PRST/1995/46) 3579th meeting 15 September 1995	S/2002/30
United Nations Protection Force	3248th meeting 30 June 1993	President made a statement (S/PRST/1995/40) 3568th meeting 19 August 1995	S/2002/30
An agenda for peace: peacekeeping	3448th meeting 4 November 1994	President made a statement (S/PRST/1996/13), 3645th Meeting 28 March 1996	S/2002/30
Security Council working methods and procedure	3483rd meeting 16 December 1994	President made a statement (S/PRST/1994/81) 3483rd meeting	S/2002/30
An agenda for peace	3492nd meeting 18 and 19 January 1995	President made a statement (S/PRST/1995/9) 3503rd meeting 22 February 1995	S/2002/30
The proposal by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on security assurances	3514th meeting 11 April 1995	Adopted resolution 984 (1995) 3514th meeting	S/2002/30
Navigation on the Danube river	3533rd meeting 11 May 1995	Adopted resolution 992 (1995) 3533rd meeting	S/2002/30
The situation relating to Nagorny Karabakh	3072nd meeting 12 May 1992	President made a statement (S/PRST/1995/21) 3525th meeting 26 April 1995	S/2003/40

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
The situation in the former Yugoslavia	3585th meeting 6 October 1995	Adopted resolution 1074 (1996) 3700th meeting 1 October 1996	S/2003/40
Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council, concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa on 26 June 1995	3627th meeting 31 January 1996	Adopted resolution 1070 (1996) 3690th meeting 16 August 1996	S/2003/40
Signature of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba)	3651st meeting 12 April 1996	President made a statement (S/PRST/1996/17) 3651st meeting	S/2003/40
Demining in the context of United Nations peacekeeping	3689th meeting 15 August 1996	President made a statement (S/PRST/1996/37) 3693rd meeting 30 August 1996	S/2003/40
Letters dated 23 September and 3 and 11 October 1996 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council	3704th meeting 15 October 1996	President made a statement (S/PRST/1996/42) 3704th meeting	S/2003/40
Letters dated 23 and 27 September 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council and to the Secretary-General, respectively			

Repertoire of the Practice of the Security Council

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
Complaint by Iraq concerning incidents on its frontier with Iran (S/11216)	1762nd meeting 15 February 1974	Adopted resolution 348 (1974) 1770th meeting 28 May 1974	S/2004/20
Complaint by Iraq (S/14509)	2280th meeting 12 June 1981	Adopted resolution 487 (1981) 2288th meeting 19 June 1981	S/2004/20
Central America: efforts toward peace	2871st meeting 27 July 1989	President made a statement (S/PRST/1997/28) 3780th meeting 22 May 1997	S/2004/20
The situation in Cambodia	2941st meeting 20 September 1990	President made a statement (S/PRST/1997/37) 3799th meeting 11 July 1997	S/2004/20
Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia	3175th meeting 22 February 1993	Adopted resolution 1126 (1997) 3813th meeting 27 August 1997	S/2004/20
Security of the United Nations operations	3283rd meeting 29 September 1993	President made a statement (S/PRST/1997/13) 3750th meeting 12 March 1997	S/2004/20
Shooting down of two civil aircraft on 24 February 1996	3634th meeting 27 February 1996	Adopted resolution 1067 (1996) 3683rd meeting 26 July 1996	S/2004/20
The situation in Albania	3751st meeting 13 March 1997	President made a statement (S/PRST/1997/44) 3812th meeting 14 August 1997	S/2004/20

<i>Item^a</i>	<i>First inclusion in the agenda</i>	<i>Last action by the Council</i>	<i>Final entry in the summary statement as at 31 December 2003</i>
Civilian police in peacekeeping operations	3801st meeting 14 July 1997	President made a statement (S/PRST/1997/38) 3801st meeting	S/2004/20
The situation in the Republic of the Congo	3810th meeting 13 August 1997	President made a statement (S/PRST/1997/47) 3823rd meeting 16 October 1997	S/2004/20
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	3312th meeting 11 November 1993	Adopted resolution 1506 (2003) 4820th meeting (Part II) 12 September 2003	S/2004/20

^a In accordance with the procedure set out in notes by the President of the Security Council dated 30 July and 29 August 1996 (S/1996/603 and S/1996/704, respectively), the items in this table, with one exception, were deleted from the list of matters of which the Council was seized during the period under review, since the Council had not considered them in a formal meeting during the preceding five-year period, nor had any member of the Council communicated in writing its wish to have the item retained. For details concerning the exception to the procedure, see the study which deals with the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America" (case 4).

Chapter III

Participation in the proceedings of the Security Council

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Introductory note

Chapter III considers the Security Council's practice in extending invitations to participate in its proceedings. Part I concerns the basis on which invitations were extended. Part II considers procedures relating to participation after an invitation was extended.

Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure of the Security Council provide for invitations to be extended to non-members of the Security Council in the following circumstances: (a) when a Member of the United Nations brings a dispute or situation to the attention of the Council in accordance with Article 35 (1) of the Charter (rule 37); (b) when a Member of the United Nations or a State that is not a member of the United Nations is "a party to a dispute" (Article 32); (c) when the interests of a Member of the United Nations are "specially affected" (Article 31 and rule 37); and (d) when "members of the Secretariat or other persons" are invited to supply information or give other assistance (rule 39). Only in the second instance ((b) above) does the Security Council have an obligation to extend an invitation.

In practice, in extending invitations, the Council has continued to refrain from referring explicitly to the relevant articles of the Charter. It has continued to make no distinction between a complaint involving a "dispute" within the meaning of Article 32, a "situation" or a matter of another nature. Nonetheless, in one instance, both Articles 31 and 32 were explicitly invoked by a few Member States in support of a request for participation that was subsequently denied (case 7).

During the period under review, invitations to participate in meetings of the Security Council were usually extended "under the relevant provisions of the Charter" and explicitly under rule 37 or rule 39 of the Council's provisional rules of procedure. The classification of invitations in Part I and in annexes I and II to this chapter reflects that practice, and was based on the relevant rules of procedure where that was indicated. Those instances in which the Council decided to extend invitations to participate in its proceedings without pronouncing itself on the basis for such invitations are treated separately (cases 1-6). As previously mentioned, in one instance (case 7), the Council deemed it inappropriate to extend an invitation.

Part II, which deals with procedures relating to the participation of invited representatives, includes a case (case 8) concerning the stage at which a representative had his invitation renewed and two cases (cases 9 and 10) concerning the limitations imposed on participation.

Part I

Basis of invitations to participate

Note

Security Council practice in connection with the extension of invitations is dealt with in this part in four sections. Section A deals with invitations extended under rule 37 of the Council's provisional rules of procedure, which was the basis on which Member States not members of the Council were invited to participate in the Council's proceedings. The section describes the Council's general practice in this regard, supplemented by annex I, which contains relevant information on such invitations.

Section B considers the Council's practice in extending invitations under rule 39 the basis on which "members of the Secretariat or other persons" were invited to supply the Council with information or other assistance. This brief overview is supplemented by annex II, which contains relevant information on those invitations. They included the following: (a) representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies; (b) representatives of United Nations organs, subsidiary bodies or agencies; (c) representatives of regional and other intergovernmental organizations; and (d) other persons.

Section C concerns those invitations that were not expressly extended under either rule 37 or rule 39. Apart from covering various invitations of this type that occurred during the period, the section includes the new provisions for invitations to troop-contributing countries to participate in public or private meetings of the Security Council "without prejudice to the provisional rules of procedure" which were set forth in 2001.¹ It also describes the new practice of allowing incoming members of the Security Council to attend informal consultations of the whole and the formal meetings of its subsidiary bodies.

Section D considers requests for invitations denied or not acted upon.

¹ See resolution 1353 (2001), annex II.A, para. 1.

A. Invitations extended under rule 37 (States Members of the United Nations)

During the period under consideration, States Members of the United Nations not members of the Security Council who were invited to participate in the Council's proceedings were usually invited "under the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure", without explicit reference being made to the relevant Charter articles. Rule 37 provides:

Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

In practice, such invitations were usually extended as a matter of course and without discussion. They were requested in letters from the State concerned addressed to the President of the Council. The President informed the Council at the beginning or during the course of its meetings of the receipt of such letters and proposed that, with the consent of the Council, the invitations be extended. Usually, there being no objection, it was so decided.

Renewals of invitations were not usually mentioned if the meeting was resumed. Moreover, unless otherwise mentioned, invitations extended at the first meeting of consecutive meetings held concerning an agenda item were automatically renewed at each of the meetings.

As in previous years, Member States invited under rule 37 sometimes spoke in other capacities, such as representatives of regional organizations.²

² See, for example, the following instances in which a representative of a Member State invited under rule 37 spoke on behalf of another entity: 4092nd meeting, at which the representative of Algeria spoke on behalf of the President of Algeria and the Chairman of the

The practice regarding invitations to representatives of Member States who spoke in their capacity as representatives of United Nations subsidiary bodies or other organizations was varied. Some were invited under rule 37, some under rule 39 and some were invited under no explicit basis. The extension of an invitation was most often guided by the Member State's request for that invitation, which often explicitly mentioned the basis upon which it wished to be invited. In one instance, a representative spoke twice at the same meeting in two different capacities, being invited once under rule 37 and once under rule 39.³

Organization of African Unity (OAU) (S/PV.4092 (Resumption 1)), p. 6; 4128th meeting, at which the representative of Portugal spoke on behalf of the European Union (S/PV.4128), p. 26; 4139th meeting, at which the representative of Djibouti spoke in his capacity as Coordinator of the Eastern Africa subregion (S/PV.4139), p. 25; 4140th meeting, at which the representative of Austria spoke as the representative of the Chairperson-in-Office of the Organization for Security and Cooperation in Europe (OSCE) (S/PV.4140), p. 16. On several occasions, the representative of Costa Rica spoke on behalf of the member States of the Rio Group in his capacity as pro tempore Secretary (see S/PV.4453 (Resumption 1), p. 10; S/PV.4506 (Resumption 1), p. 12; S/PV.4512 (Resumption 1), p. 2). Similarly, the representative of Peru addressed the Security Council in his capacity as Coordinator of the Rio Group (see S/PV.4710, p. 20 and S/PV.4734 (Resumption 1), p. 4).

³ At the 4588th meeting, held on 24 July 2002 in connection with the situation in the Middle East, including the Palestinian question, Mr. Bruno Rodriguez Parilla made a statement first as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, after having requested an invitation under rule 39 in that capacity. Later, in the same meeting, he spoke under rule 37 as the representative of Cuba. In that capacity, he stated: "A moment ago, I spoke in this debate as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. But given the seriousness of the issue that prompted the convening of this emergency meeting, Cuba cannot fail to state its national position." (S/PV.4588, p. 34). By contrast, at the 4231st meeting, held on 22 November 2000 in connection with the same agenda item, the representative of Cuba was invited under rule 37 but spoke first in his capacity as Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and subsequently as representative of Cuba (S/PV.4231 and Corr. 1, p. 23).

A list of invitations issued under rule 37 is contained in annex I at the end of this chapter. For ease of reference only, the invitations have been grouped according to agenda item.

B. Invitations extended under rule 39 (members of the Secretariat or other persons)

During the period under review, the Security Council considerably enlarged its practice of inviting a wide range of individuals to participate in its proceedings and to brief it on issues under consideration. As a measure of comparison, 15 invitations were issued in 1990 under rule 39; 56 invitations were issued in 2000 under this rule. In 2003, the invitations issued under rule 39 rose to 159, about 15 times more than in 1990. Rule 39 provides:

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

In addition to a significant increase in invitations extended to senior officials of the Secretariat and the Special Representatives of the Secretary-General, the period also witnessed a rise in first-time invitations extended, among others, to heads of the principal organs of the United Nations (General Assembly,⁴ Economic and Social Council and International Court of Justice); agencies, programmes and funds of the United Nations system (including the United Nations Development Programme, World Food Programme, United Nations Development Fund for Women and World Health Organization); the Bretton Woods institutions (the World Bank and International Monetary Fund); regional and other intergovernmental organizations (including the Organization of American States, International Organization of la Francophonie,

⁴ The only recorded case of the participation of the General Assembly President in the proceedings of the Council dates back to the 9th Security Council meeting held on 6 February 1946. However, in inviting the General Assembly President to make a statement at that meeting, the Security Council President did not explicitly invoke rule 17 of the provisional rules of procedure, which was later to be replaced by rules 37 to 39.

Economic Community of West African States, Economic Community of Central African States, Community of Portuguese-Speaking Countries and Organization of Security and Cooperation in Europe); and to Security Council members serving in their dual capacity as heads of Security Council missions and chairpersons of its subsidiary bodies. The period 2000-2003 also saw extension of invitations to representatives of transitional governments (Iraq) and representatives of rebel movements that were party to a ceasefire or peace agreement, as in the case of the Democratic Republic of the Congo. Approximately 40 invitations were extended for the first time during this period. A list of invitations issued under rule 39 is contained in annex II at the end of the Chapter. For ease of reference only, persons invited for the first time have been identified, and invitations have been grouped into the following four categories: (a) United Nations Secretariat, Security Council missions and Security Council subsidiary bodies; (b) United Nations organs, subsidiary bodies or agencies; (c) Regional and other intergovernmental organizations; (d) Other persons.

Some general aspects of the Council's practice under rule 39 may be noted. The Council extended invitations to representatives of United Nations organs and subsidiary bodies as a matter of course and without any formal discussion. Letters of request from the body concerned were read into the record of the meeting by the President of the Council and were not issued as documents of the Security Council. Invitations to representatives of United Nations agencies were extended on the same basis. In the case of invitations to representatives of regional or other international organizations, the requests were made by a Member State on behalf of the proposed invitee, and invariably granted without any formal discussion. As for other individuals, they, too, were invited at the request of a Member State. In some instances, the President made it clear at the start of the formal meeting of the Council that members of the Council had agreed in prior consultations to extend an invitation to a particular individual.

In some cases, invitations under rule 39 were extended to representatives of Member States if related to a role other than representative of their State. These included invitations to members of the Council in their functions as heads of Security Council missions and chairpersons of Security Council subsidiary bodies. For

instance, at the 4485th meeting, held on 6 March 2002 in connection with the situation in Eritrea and Ethiopia, the Council, under rule 39, invited the representative of Norway,⁵ head of the Council's mission to Eritrea and Ethiopia, to introduce the mission's report.

C. Invitations not expressly extended under rule 37 or rule 39

While rules 37 or 39 were most often cited as the basis of invitations, some invitations were extended on the basis of prior consultations, past practice or, in some cases, without mention of a basis. These included invitations to Heads of State, representatives of observer missions and others. In those instances, the basis under which individuals were invited did not raise any comment or discussion.

Six cases are set out below. Case 1 describes the new practice concerning invitations to countries contributing troops to United Nations peacekeeping missions; case 2 details the procedure established during the period which allows incoming members of the Security Council to attend informal consultations of the whole and the formal meetings of the subsidiary bodies; and cases 3 to 6 illustrate the Council's practice of issuing invitations that fall under neither rule 37 nor rule 39.

Case 1 Participation of troop-contributing countries

With a view to strengthening cooperation with troop-contributing countries, the Security Council, by resolution 1353 (2001), annex II.A, decided to hold, at different stages of peacekeeping operations, public or private meetings with the participation of troop-contributing countries, including at their request, and without prejudice to the provisional rules of procedure of the Security Council, in order to ensure a full and

⁵ When the permanent representative of Norway presented his report, he was seated at the end of the Council table and not at the seat reserved for his delegation. Since Norway was President of the Council for the month of March 2002, the Minister for Foreign Affairs of Norway headed the delegation and served as President for the meeting. See the following for other instances when an invitation under rule 39 was extended to a member of the Council: S/PV.4264, S/PV.4283, S/PV.4325, S/PV.4405; 2002: S/PV.4485, S/PV.4538 and S/PV.4561.

high-level consideration of issues of critical importance to a specific peacekeeping operation.

In a note by the President dated 27 August 2002,⁶ the Council further clarified procedures for participation in private meetings of the Council with troop-contributing countries by deciding that the relevant actors listed in annex II.B of resolution 1353 (2001), paragraph 3 (c)-(h) wishing to participate in a specific meeting should make a request to the President of the Security Council.

Troop-contributing countries, existing as well as prospective, participated in 53 private meetings during the period 2001-2003, in accordance with resolution 1353 (2001).⁷ Invitations were not issued to individual troop-contributing countries under rule 37 when the Council met in accordance with resolution 1353 (2001). Rather, those countries participated in accordance with a prior letter of invitation from the President.⁸

Case 2 Invitations to incoming Council members: informal consultations and formal meetings of the subsidiary bodies

During the period under review, two notes by the President of the Security Council addressed the matter of invitations to newly elected members of the Council. The first note, dated 28 February 2000,⁹ stated that the Council had agreed that newly elected members of the Council would, upon their request, be invited to observe the informal consultations of the Council members for the period of one month immediately preceding their term of membership for the purpose of

acquainting themselves with the activities of the Council. Participation should be at the Permanent Representative or Deputy Permanent Representative level.

The second note, dated 22 November 2002,¹⁰ enlarged upon and superseded the note of February 2000. It stated that newly elected members would be invited to attend the informal consultations of the whole and the formal meetings of the subsidiary bodies of the Council for the period of one month immediately preceding their term of membership (that is, with effect from 1 December 2002).

Members of the Security Council also decided that, if an incoming member would be assuming the Presidency of the Council in the first two months of its term on the Council, it would be invited to attend the informal consultations of the whole for the period of two months immediately preceding its term of membership. The members of the Council further agreed that each of those incoming member delegations should be represented at the level of Permanent Representative or Deputy Permanent Representative at informal consultations and by any one member of their delegations at formal meetings of the subsidiary bodies of the Council. In the latter case, the note added that the Chairmen of the subsidiary bodies of the Security Council should not otherwise deviate from Council practice with regard to attendance by incoming members without guidance from the Council.

Case 3 Invitations to Heads of State

Usually, Heads of State were invited without citing a basis. For instance, at the 4092nd meeting, held on 24 January 2000 in connection with the situation concerning the Democratic Republic of the Congo, the Presidents of the Democratic Republic of the Congo, Rwanda, Zambia, Mozambique, Uganda, Zimbabwe and Angola were consecutively invited by the President with the following formula:

It is now my high honour and privilege to invite the Secretary-General and the Chief of Protocol to escort His Excellency _____, President of _____, to a seat at the Council table.¹¹

⁶ S/2002/964.

⁷ S/PV.4369, S/PV.4371, S/PV.4386, S/PV.4391, S/PV.4397, S/PV.4425, S/PV.4426, S/PV.4435, S/PV.4446, S/PV.4455, S/PV.4456, S/PV.4457, S/PV.4477, S/PV.4483, S/PV.4491, S/PV.4496, S/PV.4520, S/PV.4527, S/PV.4545, S/PV.4549, S/PV.4550, S/PV.4553, S/PV.4569, S/PV.4576, S/PV.4586, S/PV.4587, S/PV.4599, S/PV.4610, S/PV.4612, S/PV.4617, S/PV.4648, S/PV.4620, S/PV.4669, S/PV.4687, S/PV.4689, S/PV.4690, S/PV.4716, S/PV.4724, S/PV.4733, S/PV.4755, S/PV.4763, S/PV.4767, S/PV.4769, S/PV.4778, S/PV.4781, S/PV.4795, S/PV.4796, S/PV.4821, S/PV.4827, S/PV.4847, S/PV.4854, S/PV.4866 and S/PV.4878.

⁸ S/2002/603, p. 6.

⁹ S/2000/155.

¹⁰ S/2002/1276.

¹¹ Ministers for Foreign Affairs at the same meeting were invited under rule 37 (S/PV.4092, pp. 2-3).

In September 2000, President Ismail Omar Guelleh of the Republic of Djibouti was simply “invited to participate in the discussion” — a private meeting, at which he briefed the Council on the Djibouti peace initiative in connection with the situation in Somalia.

At public meetings on 2 and 7 February 2001, invitations were extended to President Joseph Kabila of the Democratic Republic of the Congo and to President Paul Kagame of Rwanda, respectively, “in accordance with the understanding reached in the Council’s prior consultations”.¹²

Case 4 Invitations to observers

The Permanent Observer of Switzerland. Before Switzerland became a member of the United Nations in September 2002, its Permanent Observer was usually invited to participate in the discussion without the right to vote “in accordance with the understanding reached in the Council’s prior consultations”.¹³ On two occasions, however, no basis was invoked for the invitation to the Permanent Observer of Switzerland to participate in a meeting.¹⁴

The Permanent Observer of the Holy See. The Permanent Observer of the Holy See was invited to participate “in accordance with the understanding reached in prior consultations”.¹⁵

The Permanent Observer of Palestine. The President, with the consent of the Council, usually invited the Permanent Observer of Palestine “to participate in the current debate in accordance with the provisional rules of procedure and the previous practice in this regard”.¹⁶

Case 5 Invitations to representatives of transitional governments

At a private meeting on 11 January 2001, the Prime Minister of the Transitional National Government of Somalia was invited to brief the

Council “in accordance with the understanding reached in the Council’s prior consultations”.¹⁷ No reference was made to rule 37, as the Transitional National Government did not occupy Somalia’s seat at the United Nations. Rule 39 was not invoked either, since the Prime Minister was invited, not in his individual capacity, but as head of the Transitional National Government.

At the 4434th and 4443rd meetings, held on 6 and 20 December 2001, respectively, to discuss the situation in Afghanistan, the President (Mali) informed the Council that he had received a letter from the representative of Afghanistan, in which he requested that he be invited to participate in the discussion of the item on the Council’s agenda. The President did not invoke rule 37 (or any rule) at either meeting as the basis for the invitation, but stated:

In acceding to this request, the Security Council recalls that the Interim Authority in Afghanistan will be established on 22 December 2001. According to paragraph 3 of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed in Bonn on 5 December 2001, the Interim Authority shall occupy the seat of Afghanistan at the United Nations and in its specialized agencies, as well as in other institutions and conferences.¹⁸

Case 6 Participation without a formal invitation

At the 4422nd meeting, held on 20 November 2001, on children and armed conflict, the Executive Director of the United Nations Children’s Fund (UNICEF), invited under rule 39, introduced Mr. Alhaji Sawaneh, a former child soldier from Sierra Leone, who addressed the Council without being formally invited.¹⁹ Similarly, at the 4528th meeting held on 7 May 2002 to discuss the same agenda item, the Council heard statements from three children (Mr. Wilmot Wungko, Ms. Eliza Kantardzic and Mr. Jose Cabral). The children were not formally

¹² S/PV.4271 and S/PV.4273.

¹³ See, for example, S/PV.4108, S/PV.4109, S/PV.4286, S/PV.4312 and S/PV.4568.

¹⁴ S/PV. 4128 and S/PV.4264.

¹⁵ S/PV.4709 (Resumption 1 and Corr. 1), p. 2.

¹⁶ See, for example, S/PV.4588 and S/PV.4726.

¹⁷ S/PV.4196.

¹⁸ S/PV.4434, p. 2 and S/PV.4443, p. 2. Also of interest are the discussions in Chapter 3 (Participation) of the present *Supplement* concerning States in transition. See part I.A “Invitations under rule 37” and I.C “Invitations not expressly extended under rule 37 or rule 39”.

¹⁹ S/PV.4422, p. 7.

invited, but when the President invited the Executive Director of UNICEF to take a seat at the Council table, he noted that she was to be accompanied by them. Towards the end of her statement, the Executive Director introduced the three children and subsequently they were given the floor by the President.²⁰

At the 4460th meeting, held on 29 January 2002 in connection with the situation in Africa, Mr. Javier Solana, High Representative of the European Union for Foreign Policy and Common Security, addressed the Council without a formal invitation. He was introduced by the representative of Spain at the end of his statement in the latter's capacity as President of the European Union.²¹

Similarly, at the 4472nd meeting, held on 13 February 2002 in connection with the situation in Angola, the Humanitarian Coordinator for Angola, Mr. Erick de Mul, addressed the Council without being formally invited to participate. During that meeting, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who was invited to brief the Council under rule 39, had indicated that, with the permission of the President, he would ask Mr. de Mul to answer some of the questions raised. Thereafter, with a view to completing the response that the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator had given to questions put by Council members, the President gave the floor to Mr. de Mul.²²

In another instance, at the 4538th meeting, held on 22 May 2002 in connection with the situation in Africa, the Council heard a statement by Mr. Hans Dahlgren, Special Representative of the Presidency of the European Union to the countries of the Mano River Union. The Special Representative, who was not formally invited, was introduced by the representative of Spain in his capacity as President of the European Union.²³ Before giving him the floor, the President specified that, in his letter to the Presidency requesting participation in the debate, the representative of Spain

had informed the Council that following his introductory remarks he would like to give the floor to Mr. Dahlgren.²⁴

Six individuals addressed the Security Council via videotape without an invitation at the 4090th meeting of the Council on 18 January 2000, held to discuss the situation in Angola. The Chairman of the Security Council Committee established pursuant to resolution 864 (1993) reported on his recent visit to Angola and included in his presentation videotaped testimony from six individuals who had defected from the União Nacional para a Independência Total de Angola (UNITA) or had been captured in recent fighting.²⁵

D. Requests for invitations denied or not acted upon

Note

During the period under review, the Security Council continued its practice of extending invitations as a matter of course and without any formal discussion. However, in one case (case 7) the Council did discuss and formally deny a request for an invitation to participate.

Case 7

At the 4164th meeting, held on 23 June 2000 in connection with the briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans, the President informed the Council that he had received requests to participate in the meeting variously on the basis of rule 37, rule 39 and without reference to either rule 37 or rule 39. He proposed to proceed in three stages. During the first stage, he would ask if there were any objections to giving a favourable response to the requests submitted by representatives of Member States referring to rule 37; during the second he would ask if there were any objections to the two proposed invitations under rule 39. During the third stage he would ask if there were any objections to giving a positive response to the request of Mr. Vladislav Jovanovic, which referred neither to rule 37 nor rule 39. If there was an objection to any of the requests to

²⁰ S/PV.4528, pp. 7-9.

²¹ S/PV.4460 (Resumption 1), p. 23. During the period under review, Mr. Solana was also invited in the same capacity on several occasions under rule 39. See the table on invitations under rule 39 in annex to the present chapter.

²² S/PV.4472, p. 20.

²³ S/PV.4538, p. 28.

²⁴ Ibid., p. 28.

²⁵ S/PV.4090, p. 6.

be invited to participate, he would submit the request to a vote of the members of the Council.²⁶

The representative of the Russian Federation noted that when the matter was discussed the previous day in consultations, he had proposed that the Council take a positive view of all requests that had been received for participation in the present meeting. Since that was the first proposal, he would be grateful if there could be a decision on it.²⁷

The President requested the Council to vote on the proposal of the Russian Federation, which was to take a single decision on all the requests, considered as a whole. In other words, the Council would either accept all the requests or reject all the requests for participation.

The result of the voting was 4 in favour, 10 against and 1 abstention. The proposal of the Russian Federation was not adopted because it failed to obtain the required number of votes.

The President then called for the Council to consider successively the requests under rule 37, then rule 39 and, finally, that of Mr. Jovanovic. The Council positively considered the requests for participation under rule 37 and rule 39. Finally, the President asked if there were any objection to giving a favourable response to the request for participation submitted by Mr. Jovanovic.²⁸

The representative of the United States objected to the proposal to allow Mr. Jovanovic “or anyone else purporting to represent his Government” to address the Council since Mr. Jovanovic represented a Government whose senior leadership had been indicted for war crimes and other violations of international humanitarian law. He also noted that allowing any representative of that leadership to participate in the present or any other meeting of the Council would flout the indictments, undermine the International Tribunal for the Former Yugoslavia and set a dangerous moral and legal course that would undermine the

seriousness of the gathering. He therefore requested that the proposed invitation be put to the vote.²⁹

The representative of Ukraine, noting that there had been quite a number of important new developments in the Council’s working methods and procedures, the most important of which was the tendency towards increased participation of non-members in the Council’s discussions, underlined an inconsistency between the above-mentioned tendency and the request for a vote on the participation of the representative of the Federal Republic of Yugoslavia. He added that the Federal Republic of Yugoslavia remained a participant in the peace process in the Balkans, a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina, a host country of the international presence in Kosovo as well as party to the settlement of the Prevlaka dispute. Recalling the provisions of Article 32 of the Charter, under which any State that is a party to a dispute under consideration by the Security Council had to be invited to participate in the discussion relating to the dispute, he stated that the Federal Republic of Yugoslavia *de facto* remained a party to every track of the peace process in the Balkans and was therefore allowed to participate in the discussions of the Security Council. In concluding his statement, the representative of Ukraine recalled that the Security Council had adopted a “special form of invitation” when faced with a request for participation from the Federal Republic of Yugoslavia, according to which the President — in response to a written request from the representative of the Federal Republic of Yugoslavia — invited that representative by name to address the Council. He held that he did not see any grounds to abandon that practice, which had been in existence for nearly eight years.³⁰

In the absence of any other speakers, the President called for a vote on the request submitted by Mr. Jovanovic. The result of the voting was 4 in favour, 7 against and 4 abstentions, and the proposal failed because it did not obtain the required number of votes. Following the vote, a number of members made statements.

China noted that excluding the Federal Republic of Yugoslavia from participating in the Security Council and not allowing it to speak would not

²⁶ S/PV.4164, p. 2.

²⁷ *Ibid.*

²⁸ At the 4012th and 4108th meetings, held on 16 February 2000 and 6 March 2000, respectively, to consider Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999), Mr. Jovanovic was invited “in response to his request”.

²⁹ S/PV.4164, pp. 3-4.

³⁰ *Ibid.*, p. 4.

contribute to resolving the Balkan problem and that “the Council should not deprive a sovereign State of its right to state its position”, which ran counter to the spirit of the Charter of the United Nations.³¹

Argentina stated that its abstention was based on “serious doubts regarding the underlying reasons for denying participation in the debate to Mr. Jovanovic”, although that vote in no way implied support for, endorsement of or sympathy for the Belgrade regime.³²

France voted against Mr. Jovanovic’s participation in the meeting because it believed it to be

“inappropriate”, without however disputing the general principle of his participation in a Security Council meeting.³³

The Russian Federation recalled that, according to Article 31 of the Charter, the Federal Republic of Yugoslavia had the right to participate in the discussion, in the light of the fact that its interests were directly affected by the discussion. He concluded that the Security Council meeting on the Balkans, without the full participation of the Federal Republic of Yugoslavia, would lose its practical meaning, since one of the key parties was being eliminated from the discussion of the problem of a settlement.³⁴

³¹ Ibid., p. 5.

³² Ibid.

³³ Ibid.

³⁴ Ibid., pp. 5-6.

Part II

Procedures relating to participation of invited representatives or individuals

Note

Part II is concerned with procedures relating to the participation of invited States or individuals after an invitation has been extended. Section A concerns the stage at which invited States are heard, and includes one case (case 8) concerning the timing of an invitation. Section B concerns limitations on participation. It includes one case (case 9) in which a representative not formally invited posed questions through a member of the Council and a second case (case 10) in which an exchange of communications took place between the President of the Council and a non-member State regarding a proposed format that was viewed by the latter as limiting participation.

A. The stage at which those invited to participate are heard

Case 8

At the 4828th meeting, held on 16 September 2003 to consider the situation in the Middle East, including the Palestinian question, a draft resolution³⁵ was put to the vote but was not adopted owing to the

³⁵ S/2003/891.

negative vote of a permanent member. Following the vote and statements in explanation of the vote by Council members, the President invited the Permanent Observer of Palestine and the representative of Israel to participate in the meeting “in accordance with the decision taken at the 4824th meeting”.³⁶

In taking the floor, the Permanent Observer of Palestine prefaced his remarks by saying:

For the record, during the years that I have worked here I have never seen the Security Council invite us to sit at the Council table while a specific issue is being deliberated. Then the Council decided to conduct the vote in our absence. I do not know the reason for that, but I understand that that has not been the usual practice at any previous meetings.³⁷

In response to the remarks of the Permanent Observer of Palestine, the President noted that he would like to assure the Council as a whole and those watching that the procedure followed by the presidency accorded with the advice of the Secretariat and conformed to the established practice of the Council.³⁸

³⁶ S/PV.4828, p. 5.

³⁷ Ibid., p. 6.

B. Limitations on participation

During the period under review, no discussion arose regarding the question of duration of participation of those invited to participate. The practice was generally maintained whereby the President, when consideration of a question was extended over several meetings, renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.

The Council continued to follow its general practice of not permitting invited representatives to discuss procedural matters, such as the adoption of the agenda, the extension of invitations and the postponement of consideration of a question.³⁹

An innovation with respect to posing questions during a briefing — through a member of the Council — is covered in case 9. Case 10 covers another instance in which, by prior arrangements, limitations were imposed on the participation of non-member States.

Case 9

At the 4308th meeting, held on 5 April 2001 to discuss the situation in East Timor, Mr. Hedi Annabi, Assistant Secretary-General for Peacekeeping Operations, was invited to brief the Council under rule 39. The President stated:

Members of the Council are expecting me to handle this meeting in a relaxed manner. We are bringing into the open Chamber — to non-members of the Security Council, our partners in the United Nations — our style of informal consultations, because the Council wishes to increase the transparency of its business and to share more of it with non-members of the Council and the media when there is no reason of discretion or confidentiality for being in the other room....

³⁸ Ibid.

³⁹ A notable exception were the remarks made by the Permanent Observer of Palestine at the 4828th meeting; see case 8 in part II, section A of this chapter above.

I am glad, too, that non-members of the Council, in participating in this meeting, have been encouraged to pose any questions that they may have about East Timor through members of the Council. They may do that during the course of the discussion. If they have points that they would like to raise, they can ask a friendly member of the Council to raise those questions.⁴⁰

Subsequently, the representative of Colombia submitted four questions to Mr. Annabi on behalf of the delegation of Brazil.⁴¹

Case 10

Prior to the wrap-up session at the end of April 2003, the President (Mexico) circulated a non-paper stating that the presidency would approach the Chairmen of regional groups in order to ensure the participation of two members from each group. By a letter dated 28 April 2003 addressed to the President of the Security Council,⁴² India objected to that idea, on the basis that it would be “unreasonable and contrary to normal practice” to expect one or two Member States to represent a region with diverse membership in a debate before the Council. Moreover, it was “illogical” to invite the same number of representatives from different regional groups, as the membership of each group varied. India also believed that limiting the number of States participating in the wrap-up session ran counter to the objective of greater transparency and openness in the functioning of the Council.

By a letter⁴³ dated 1 May 2003, Mexico responded by expressing its strong commitment to the openness and transparency of the Council and noting that it had chosen a format already used with success in previous Council meetings, including several wrap-up meetings in 2002, with the purpose of both maximizing time and ensuring equitable representation from all regions.⁴⁴

⁴⁰ S/PV.4308 and Corr.1, p. 2.

⁴¹ Ibid., p. 12.

⁴² S/2003/508, annex.

⁴³ S/2003/516, annex.

⁴⁴ According to the verbatim record of the wrap-up meeting held on 30 April 2003 (S/PV.4748 and Corr.1), the format proposed by the presidency in the non-paper was followed.

Annex I

Invitations extended under rule 37

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
2000		
The situation in Africa	Algeria, Australia, Brazil, Bulgaria, Cape Verde, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Djibouti, Ethiopia, Indonesia, Italy, Japan, Libyan Arab Jamahiriya, Mongolia, New Zealand, Nigeria, Norway, Portugal, Republic of Korea, Senegal, South Africa, Uganda, Zambia, Zimbabwe	4087th
	Algeria, South Africa	4096th
The situation in Croatia	Croatia, Germany, Italy	4088th
The situation in Angola	Angola	4090th
	Angola, Brazil, Japan, Lesotho, Mozambique, Norway	4178th
The situation in Burundi	Burundi	4091st (4201st) ^a
The situation concerning the Democratic Republic of the Congo	Algeria, Belgium, Brazil, Burundi, Colombia, Egypt, Eritrea, India, Israel, Japan, Lesotho, Libyan Arab Jamahiriya, Norway, Portugal, South Africa, United Republic of Tanzania	4092nd
	Democratic Republic of the Congo	4237th
	Democratic Republic of the Congo, Portugal	4104th (4132nd (Private))
	Algeria	4156th
	Algeria, Botswana, Democratic Republic of the Congo, Japan, Libyan Arab Jamahiriya, Pakistan, Portugal, Rwanda, South Africa, Swaziland, United Republic of Tanzania, Zambia, Zimbabwe	4143rd (4207th, 4247th)
The situation in Sierra Leone	Sierra Leone	4099th (4111th, 4134th, 4253rd, 4145th, 4168th, 4184th, 4186th, 4199th, 4216th)
	Algeria, Djibouti, India, Japan, Jordan, Mozambique, Norway, Pakistan, Portugal, Sierra Leone	4139th
	Mali, Ghana, Guinea, Liberia, Nigeria, Togo	4163rd

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones	Australia, Belarus, Brazil, Egypt, Japan, New Zealand, Norway, Portugal, Republic of Korea, Singapore, Slovenia, South Africa, Uruguay	4100th
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999), 1244 (1999)	Albania, Australia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Croatia, Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Libyan Arab Jamahiriya, Lithuania, Mexico, Morocco, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey	4102nd
	Albania, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Chile, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Finland, Germany, Greece, Hungary, Indonesia, Iraq, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Morocco, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey	4108th
	Albania, Austria, Yugoslavia	4225th, 4232nd, 4249th
	Albania, Portugal, Spain	4153rd
Briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans	Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia	4105th
	Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Iraq, Japan, Norway, Pakistan, Portugal, Romania, Slovenia, the former Yugoslav Republic of Macedonia, Turkey	4164th
Maintaining peace and security: Humanitarian aspects of issues before the Security Council	Austria, Belarus, Brazil, Bulgaria, Colombia, Egypt, India, Iran (Islamic Republic of), Norway, Pakistan, Portugal, South Africa	4109th
The question concerning Haiti	Haiti	4112th
The situation in Angola	Angola, Belarus, Belgium, Burkina Faso, Morocco, Rwanda, South Africa, Togo, Zambia	4113th
	Angola	4126th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Angola, Belgium, Brazil, Bulgaria, Burkina Faso, Gabon, Mozambique, New Zealand, Portugal, Rwanda, Spain, Togo, United Republic of Tanzania and Zimbabwe	4129th
The situation in East Timor	Indonesia	4114th, 4198th, 4206th
	Australia, Brazil, Indonesia, Japan, New Zealand, Norway, Portugal, Republic of Korea	4165th, 4191st
	Australia, Indonesia, Japan, New Zealand, Portugal	4180th
	Australia, Brazil, Indonesia, Japan, Mozambique, New Zealand	4203rd
The situation in Tajikistan and along the Tajik-Afghan border	Tajikistan	4115th
	Austria, Iran (Islamic Republic of), Japan, Kazakhstan, Pakistan, Portugal, Tajikistan, Uzbekistan, Turkmenistan	4140th
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Germany, Italy, Portugal and Turkey	4117th (4169th, 4209th, 4245th)
	Germany, Italy	4162nd
	Austria, Federal Republic of Yugoslavia	4222nd
Maintenance of peace and security and post-conflict peacebuilding	Algeria, Bahrain, Costa Rica, Croatia, Egypt, Indonesia, Japan, Mongolia, New Zealand, Norway, Portugal, Singapore, South Africa	4118th
The situation in Guinea-Bissau	Guinea-Bissau	4121st
	Gambia, Guinea, Guinea-Bissau, Mozambique, Senegal	4238th
The situation in Afghanistan	Afghanistan	4124th
	Afghanistan, India, Kyrgyzstan, Tajikistan	4251st
	Afghanistan, Iran (Islamic Republic of), Pakistan, Uzbekistan	4325th
The situation concerning Rwanda	Rwanda	4127th
General issues relating to sanctions	Australia, Bulgaria, Cuba, Germany, Iraq, Italy, Libyan Arab Jamahiriya, New Zealand, Pakistan, Portugal, Sweden, the former Yugoslav Republic of Macedonia, Turkey	4128th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Protection of civilians in armed conflicts	Australia, Austria, Azerbaijan, Bahrain, Colombia, Egypt, Indonesia, Israel, Japan, New Zealand, Pakistan, Portugal, Republic of Korea, Singapore, Sudan	4130th
The situation in the Middle East	Lebanon	4146th
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Rwanda	4150th
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994		
The situation in Somalia	Djibouti, Egypt, Ethiopia, Libyan Arab Jamahiriya, Portugal, Yemen	4166th
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	Indonesia, Malawi, Uganda, Zimbabwe	4172nd
Role of the Security Council in the prevention of armed conflicts	Austria, Brazil, Colombia, Indonesia, Japan, Kenya, Norway, Pakistan, Republic of Korea, Rwanda, Senegal, Uganda, United Republic of Tanzania	4174th
Children and armed conflict	Austria, Barbados, Colombia, Democratic Republic of the Congo, Ecuador, India, Indonesia, Iraq, Japan, Kenya, Lesotho, Mozambique, Nepal, New Zealand, Nigeria, Norway, Senegal, Sierra Leone, South Africa, Sudan, Uganda, United Republic of Tanzania	4176th
The situation between Eritrea and Ethiopia	Japan, Norway, Eritrea, Ethiopia	4187th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in the Middle East, including the Palestinian question	Algeria, Bahrain, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, Viet Nam, Yemen	4204th
	Israel	4218th (Private), 4234th (Private), 4248th
	Cuba, Egypt, Israel, Jordan, Libyan Arab Jamahiriya, South Africa	4231st
Women and peace and security	Australia, Belarus, Botswana, Croatia, Cyprus, Democratic Republic of the Congo, Egypt, Ethiopia, Guatemala, India, Indonesia, Japan, Liechtenstein, Malawi, Mozambique, Nepal, New Zealand, Norway, Pakistan, Republic of Korea, Rwanda, Singapore, South Africa, United Arab Emirates, United Republic of Tanzania, Zimbabwe	4208th
No exit without strategy	Australia, Austria, Belarus, Croatia, Denmark, Egypt, Finland, Germany, India, Indonesia, Ireland, Italy, Norway, Pakistan, Philippines, Portugal, Rwanda, Singapore, Slovakia, South Africa, Thailand	4223rd
Letter dated 10 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Solomon Islands to the United Nations addressed to the President of the Security Council	Solomon Islands	4224th
The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone	Guinea	4252nd
2001		
Strengthening cooperation with troop-contributing countries	Argentina, Australia, Bulgaria, Canada, Egypt, Fiji, India, Japan, Jordan, Malaysia, Nepal, New Zealand, Nigeria, Pakistan, Poland, Republic of Korea, Romania, Senegal, South Africa, Sweden, Zambia	4257th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	Sweden, Yugoslavia Belgium, the former Yugoslav Republic of Macedonia, Yugoslavia Argentina, Bulgaria, Canada, Germany, Greece, Hungary, Italy, Japan, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Turkey, Yugoslavia	4258th (4277th) 4359th 4286th
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	Canada, Costa Rica, India, Nigeria, Sweden	4259th
The situation in the Central African Republic	Central African Republic Belgium, Central African Republic, Egypt Central African Republic	4261st 4380th 4382nd
The situation in Sierra Leone	Belgium, Burkina Faso, Canada, Côte d'Ivoire, Gambia, Guinea, Liberia, Niger, Sierra Leone, Sweden Sierra Leone Canada, Nigeria, Pakistan, Sierra Leone, Sweden	4264th 4306th 4340th (4374th)
The situation in East Timor	Australia, Brazil, Chile, Fiji, Japan, Indonesia, Mozambique, New Zealand, Philippines, Republic of Korea, Sweden Australia, Brazil, Canada, Indonesia, Japan, New Zealand, Portugal, Republic of Korea, Sweden Australia, Belgium, Brazil, Canada, Indonesia, Japan, New Zealand, Philippines, Portugal, Republic of Korea Argentina, Australia, Belgium, Brazil, Canada, Denmark, Finland, Germany, Indonesia, Japan, Mexico, Namibia, Netherlands, New Zealand, Portugal, Republic of Korea, Sweden Australia, Belgium, Chile, Indonesia, Japan, New Zealand, Portugal Australia, Belgium, Brazil, Brunei Darussalam, Cambodia, Fiji, Indonesia, Japan, Malaysia, Mexico, Mozambique, New Zealand, Papua New Guinea, Philippines, Portugal, Republic of Korea, Thailand	4265th 4321st 4351st 4358th 4367th 4403rd

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Briefing by His Excellency Mr. Mircea Geoana, Minister for Foreign Affairs of Romania, Chairman-in-Office of the Organization for Security and Cooperation in Europe	Romania	4266th
The situation in Georgia	Georgia	4269th
Peacebuilding: towards a comprehensive approach	Algeria, Argentina, Croatia, Egypt, Guatemala, India, Iran (Islamic Republic of), Japan, Malaysia, Mongolia, Nepal, New Zealand, Nigeria, Romania, Republic of Korea, Senegal, Sweden	4272nd
The situation in Guinea following recent attacks along its border with Liberia, the situation in Liberia and the situation in Sierra Leone	Gambia, Guinea, Liberia, Mali, Nigeria, Sierra Leone, Togo	4276th
The situation concerning the Democratic Republic of the Congo	Togo	4279th
	Angola, Burundi, Canada, Democratic Republic of the Congo, Japan, Namibia, Rwanda, Sudan, Sweden, Uganda, United Republic of Tanzania, Zimbabwe	4317th
	Burundi, Democratic Republic of the Congo, Egypt, Japan, Namibia, Rwanda, Sweden, Uganda	4327th
	Belgium, Democratic Republic of the Congo, Namibia, Rwanda, Zimbabwe	4348th (4361st)
	Belgium, Democratic Republic of the Congo, Mozambique, Namibia, Zambia, Zimbabwe	4395th
	Angola, Burundi, Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia, Zimbabwe	4410th
	Belgium	4412th
	Angola, Belgium, Burundi, Canada, Democratic Republic of the Congo, Japan, Namibia, Nigeria, Rwanda, South Africa, Uganda, United Republic of Tanzania, Zambia, Zimbabwe	4437th
The situation in Angola	Angola, Argentina, Brazil, Bulgaria, Burkina Faso, Canada, Mozambique, Namibia, Portugal, Romania, Swaziland, Sweden, Togo, Zimbabwe	4283rd
	Angola	4311th (4376th)

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Angola, Belgium, Brazil, Canada, Cape Verde, Malawi, Namibia, Zimbabwe	4418th
The situation in Burundi	Burundi	4285th (4338th), 4297th (4341st, 4383rd)
	Burundi, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Kenya, Nigeria, Rwanda, Senegal, South Africa, Uganda, United Republic of Tanzania, Zambia	4406th (4417th)
Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa	Algeria, Argentina, Australia, Belarus, Brazil, Canada, Croatia, Egypt, Japan, Namibia, Pakistan, Peru, Sweden	4288th
Letter dated 4 March 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council	Albania, Bulgaria, Croatia, Greece, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Yugoslavia	4289th
The situation in the Middle East, including the Palestinian question	Israel	4292nd (4305th)
	Algeria, Bahrain, Belgium, Egypt, Iran (Islamic Republic of), Iraq, Israel, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, New Zealand, Pakistan, Qatar, Saudi Arabia, South Africa, Sudan, Sweden, Syrian Arab Republic, United Arab Emirates, Yemen	4295th
	Cuba, Indonesia, Iran (Islamic Republic of), Lebanon, Mauritania, Morocco	4295th
	Algeria, Bahrain, Belgium, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Sudan, Turkey, Yemen	4357th
	Cuba, Cyprus, Lebanon, Mexico, Namibia	4357th
	Belgium, Brazil, Canada, Cuba, Egypt, Iran (Islamic Republic of), Israel, Malaysia, South Africa	4438th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	Albania, Bulgaria, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Yugoslavia	4296th
	Yugoslavia	4309th (4331st, 4409th)
	Albania, Sweden, Yugoslavia	4335th
	Belgium, Federal Republic of Yugoslavia	4350th (4430th)
	Albania, Belgium, Yugoslavia	
The situation in Georgia	Argentina, Armenia, Belgium, Canada, Czech Republic, Denmark, Finland, Georgia, Germany, Hungary, Italy, Japan, Lithuania, Netherlands, Republic of Moldova, Romania, Slovakia, Spain, Sweden, Turkey	4299th
	Georgia, Sweden	4313th
	Belgium, Georgia	4400th
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Croatia, Sweden, Yugoslavia	4303rd
	Bosnia and Herzegovina, Sweden, Yugoslavia	4330th
	Belgium, Bosnia and Herzegovina	4379th (4433rd)
	Bosnia and Herzegovina	4333rd
Protection of civilians in armed conflict	Argentina, Australia, Bahrain, Canada, Egypt, India, Indonesia, Iraq, Israel, Japan, Jordan, Libyan Arab Jamahiriya, Malaysia, Mexico, Nepal, New Zealand, Pakistan, Republic of Korea, Sierra Leone, South Africa, Sweden, Syrian Arab Republic, United Arab Emirates, Yemen	4312th
The situation in the Great Lakes region	Burundi, Democratic Republic of the Congo, Namibia, Rwanda, South Africa, Uganda	4323rd
Role of the Security Council in the prevention of armed conflicts	Argentina, Belarus, Brazil, Canada, Costa Rica, Egypt, India, Indonesia, Iraq, Japan, Malaysia, Mexico, Nepal, Nigeria, Pakistan, Republic of Korea, South Africa, Sweden	4334th
The situation between Iraq and Kuwait	Australia, Austria, Bahrain, Canada, Germany, India, Iraq, Italy, Japan, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Netherlands, New Zealand, Saudi Arabia, South Africa, Spain, Sweden, Syrian Arab Republic, Turkey, Yemen	4336th
The situation in Croatia	Croatia	4346th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Small arms	Argentina, Australia, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, Costa Rica, Egypt, Ghana, India, Japan, Mexico, Nepal, New Zealand, Nigeria, Pakistan, Peru, Philippines, Republic of Korea, Sierra Leone, South Africa, Sudan, Thailand, Venezuela	4355th
Security Council resolution 1160 (1998) of 31 March 1998	Yugoslavia	4366th
Briefing by His Excellency Nebojša Čović, Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia	Yugoslavia	4373rd
The situation in the former Yugoslav Republic of Macedonia	The former Yugoslav Republic of Macedonia	4381st
Security Council resolution 1054 (1996) of 26 April 1996	Sudan	4384th
The situation in Somalia	Iraq, Kenya	4392nd
General issues relating to sanctions	Germany, Sweden	4394th
The situation in Liberia	Belgium, Guinea, Liberia, Sierra Leone	4405th
The situation in Afghanistan	Afghanistan, Argentina, Australia, Belgium, Canada, Chile, Egypt, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Malaysia, Mexico, Netherlands, New Zealand, Pakistan, Republic of Korea, Tajikistan, Turkey, Uzbekistan	4414th
	Afghanistan	4415th
The situation between Eritrea and Ethiopia	Eritrea	4420th
	Ethiopia	4421st
Children and armed conflict	Belgium, Canada, Egypt, Iraq, Israel, Japan, Malaysia, Mexico, Nigeria, Republic of Korea, Slovenia, South Africa	4422nd
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Bosnia and Herzegovina, Rwanda, Yugoslavia	4429th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994		
Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council	Belgium, Egypt, Guinea, Morocco, Nigeria, Sierra Leone	4439th
2002		
The situation in Croatia	Croatia	4448th (4574th, 4622nd, 4662nd)
The situation in Sierra Leone	Sierra Leone	4451st (4500th, 4615th)
Threats to international peace and security caused by terrorist acts	Bangladesh, Belarus, Brunei Darussalam, Canada, Costa Rica, India, Iran (Islamic Republic of), Israel, Jamaica, Japan, Mongolia, Morocco, Nauru, Nepal, Pakistan, Peru, Poland, Portugal, Qatar, Spain, Tajikistan, Uzbekistan	4453rd
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	Albania, Spain, Ukraine, Yugoslavia	4454th (4473rd, 4498th, 4518th, 4533rd)
	Germany, Italy, the former Yugoslav Republic of Macedonia, Yugoslavia	4543rd
	Spain, Yugoslavia	4559th
	Albania, Denmark, the former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia	4592nd (4605th, 4633rd, 4676th)
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo	4459th (4495th, 4548th, 4554th, 4583rd, 4626th, 4634th)

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Democratic Republic of the Congo, Rwanda, South Africa	4596th (4597th, 4602nd, 4608th)
	Angola, Belgium, Denmark, Democratic Republic of the Congo, Oman, Rwanda, South Africa, Uganda, Zimbabwe	4642nd
The situation in Africa	Algeria, Angola, Bangladesh, Canada, Cote d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Egypt, Ghana, India, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Morocco, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Spain, Tunisia, Uganda, Ukraine, Zambia	4460th
	Algeria, Angola, Australia, Bahrain, Bangladesh, Benin, Burundi, Cape Verde, Central African Republic, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Egypt, Ethiopia, Gabon, Gambia, India, Japan, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Republic of Korea, Rwanda, Senegal, Sierra Leone, South Africa, Spain, Tunisia, Ukraine, United Republic of Tanzania, Zambia	4538th
	Denmark, Japan, Morocco, Sierra Leone	4577th
The situation in Afghanistan	Afghanistan	4461st (4501st, 4521st, 4557th, 4560th, 4611th, 4638th, 4651st, 4664th)
	Afghanistan, Australia, Bangladesh, Canada, India, Iran (Islamic Republic of), Japan, Kazakhstan, New Zealand, Pakistan, Spain, Tajikistan, Turkey	4497th (4541st)
	Afghanistan, Canada, Denmark, India, Iran (Islamic Republic of), Japan, Malaysia, Nepal, Pakistan, Republic of Korea, Tajikistan, Turkey, Ukraine	4579th
The situation in Timor-Leste ^b	Bangladesh, Brazil, Fiji, Japan, Indonesia, New Zealand, Philippines, Portugal, Republic of Korea, Spain	4462nd
	Australia, Brazil, Chile, Egypt, Fiji, Indonesia, Japan, Malaysia, New Zealand, Philippines, Portugal, Republic of Korea, Spain, Thailand, Ukraine	4522nd

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Australia, Brazil, Brunei Darussalam, Costa Rica, Cuba, Indonesia, Jamaica, Japan, Malaysia, Nepal, New Zealand, Philippines, Portugal, Republic of Korea, Spain, Thailand, Venezuela, Ukraine	4537th
	Brazil, India, Indonesia, Japan, Portugal	4598th
	Australia, Chile, Denmark, Fiji, India, Indonesia, Japan, New Zealand, Portugal, Republic of Korea, Thailand, Timor-Leste, Ukraine	4646th
The situation in Burundi	Burundi, South Africa	4467th (4609th, 4655th, 4675th)
The situation in Angola	Angola, Portugal	4472nd (4514th, 4517th, 4575th, 4595th, 4603rd, 4604th, 4628th, 4657th, 4671st)
The situation in the Middle East, including the Palestinian question	Israel, Yemen	4474th
	Algeria, Argentina, Australia, Bangladesh, Brazil, Canada, Chile, Cuba, Egypt, India, Iran (Islamic Republic of), Iraq, Japan, Jordan, Malaysia, Morocco, Oman, Pakistan, Saudi Arabia, South Africa, Spain, Sudan, Tunisia, Turkey, Ukraine	4478th
	Israel	4488th (4489th, 4504th, 4508th, 4511th)
	Algeria, Cuba, Djibouti, Egypt, India, Iran (Islamic Republic of), Israel, Jordan, Libyan Arab Jamahiriya, Morocco, Pakistan, Qatar, Saudi Arabia, Spain, Tunisia, Turkey	4503rd
	Algeria, Argentina, Bahrain, Bangladesh, Bhutan, Brazil, Canada, Chile, Costa Rica, Cuba, Cyprus, Djibouti, Egypt, India, Iran (Islamic Republic of), Israel, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, New Zealand, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, Sudan, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Yemen	4506th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Algeria, Bahrain, Canada, Cuba, Ecuador, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, South Africa, Spain, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen	4510th
	Algeria, Bangladesh, Brazil, Canada, Egypt, India, Indonesia, Iran (Islamic Republic of) Iraq, Israel, Japan, Jordan, Kuwait, Malaysia, Mongolia, Morocco, Pakistan, Qatar, Saudi Arabia, South Africa, Spain, Sudan, Tunisia, United Arab Emirates	4515th
	Argentina, Brazil, Canada, Chile, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Japan, Jordan, Lebanon, Malaysia, Morocco, Pakistan, South Africa, Spain, Sudan, Tunisia, Turkey, United Arab Emirates	4525th
	Bahrain, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Japan, Jordan, Kuwait, Malaysia, Morocco, Pakistan, South Africa, Saudi Arabia, Spain, Sudan, Tunisia, Turkey	4552nd
	Bahrain, Chile, Cuba, Denmark, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Japan, Jordan, Kuwait, Malaysia, Pakistan, Saudi Arabia, South Africa, Sudan, Tunisia, Yemen	4588th
	Algeria, Bahrain, Bangladesh, Cuba, Denmark, Egypt, India, Iran (Islamic Republic of), Israel, Jordan, Libyan Arab Jamahiriya, Malaysia, Pakistan, Qatar, Saudi Arabia, South Africa, Sudan, Tunisia, Turkey	4614th (4681st)
	Cyprus, Indonesia, Iraq, Mauritania, Morocco, Nepal	4614th res. 1
Wrap-up discussion on the work of the Security Council for the current month	Angola, Argentina, Burundi, Chile, Cuba, Democratic Republic of the Congo, Japan, Nepal, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine	4482nd
	Angola, Australia, Bahrain, Bangladesh, Brazil, Cuba, Egypt, Indonesia, Jamaica, Japan, Pakistan, Republic of Korea, Sierra Leone, Spain, Thailand, Tunisia, United Republic of Tanzania	4547th
	Bahrain, Egypt, Spain, Ukraine	4562nd

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Croatia, Spain, Ukraine, Yugoslavia	4484th (4558th, 4564th, 4661st)
	Bosnia and Herzegovina, Germany, Italy	4563rd
	Argentina, Bosnia and Herzegovina, Brazil, Canada, Costa Rica, Croatia, Denmark, Fiji, Germany, India, Iran (Islamic Republic of), Jordan, Liechtenstein, Malaysia, Mongolia, New Zealand, Samoa, Sierra Leone, South Africa, Thailand, Ukraine, Venezuela	4568th (4573rd)
	Bosnia and Herzegovina, Denmark, Japan, Slovenia, Ukraine, Yugoslavia	4631st
The situation between Eritrea and Ethiopia	Eritrea, Ethiopia, Japan, Netherlands, Spain	4485th (4529th, 4530th)
The situation in Somalia	Somalia	4486th (4502nd, 4524th, 4663rd)
	Djibouti, Egypt, Ethiopia, Kenya, Jordan, Libyan Arab Jamahiriya, Somalia, Spain	4487th
The situation in the Great Lakes region	Burundi, Democratic Republic of the Congo, Rwanda, South Africa, Spain	4532nd
Women and peace and security	Australia, Canada, Chile, Denmark, Grenada, Jamaica, Japan, Liechtenstein, New Zealand, Nigeria, Republic of Korea	4589th
	Australia, Austria, Bangladesh, Canada, Chile, Denmark, Egypt, Fiji, India, Indonesia, Jamaica, Japan, Liechtenstein, Morocco, Namibia, New Zealand, Pakistan, Philippines, Republic of Korea, South Africa, Venezuela	4635th
The situation in Georgia	Georgia	4590th (4591st)
Small arms	Argentina, Australia, Canada, Chile, Congo, Costa Rica, Croatia, Denmark, Egypt, India, Indonesia, Israel, Jamaica, Japan, Kenya, Malawi, Namibia, Nigeria, Pakistan, Philippines, Republic of Korea, Senegal, South Africa, Switzerland, Ukraine, Zambia	4623rd

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation between Iraq and Kuwait	Albania, Algeria, Angola, Argentina, Australia, Bangladesh, Belarus, Brazil, Canada, Cambodia, Chile, Costa Rica, Cuba, Denmark, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Japan, Jordan, Kuwait, Malawi, Mauritania, Namibia, Nigeria, Pakistan, Philippines, Qatar, Republic of Korea, Senegal, South Africa, Sri Lanka, Switzerland, Ukraine, Zambia, Zimbabwe	4625th
The situation in the Central African Republic	Central African Republic	4627th (4658th)
Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	Burundi, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Denmark, Egypt, Equatorial Guinea, Gabon, Japan	4630th
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Bosnia and Herzegovina, Croatia, Rwanda, Yugoslavia	4637th (4666th)
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994		
Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council	Australia, Fiji, New Zealand, Papua New Guinea	4647th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council	Chad	4659th
Protection of civilians in armed conflict	Argentina, Austria, Bangladesh, Burkina Faso, Cambodia, Canada, Chile, Denmark, Egypt, Indonesia, Israel, Japan, Republic of Korea, Switzerland, Timor-Leste, Ukraine	4660th
The situation in Côte d'Ivoire	Côte d'Ivoire, Senegal	4680th (4804th)
2003		
Children and armed conflict	Austria, Bahrain, Burundi, Canada, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Egypt, Ethiopia, Greece, Indonesia, Israel, Japan, Liechtenstein, Malawi, Monaco, Myanmar, Namibia, Nepal, Philippines, Rwanda, Sierra Leone, Slovenia, Switzerland, Ukraine	4684th
The situation concerning the Democratic Republic of the Congo	Democratic Republic of the Congo, Rwanda	4691st (4705th, 4756th, 4764th, 4784th, 4797th, 4807th, 4813th, 4863rd)
	Bangladesh, Brazil, Democratic Republic of the Congo, Egypt, Indonesia, Italy, Japan, Nepal, Philippines, Rwanda, South Africa	4790th
The situation between Iraq and Kuwait	Iraq	4692nd (4707th, 4701st (4714th, 4721st, 4883rd, 4884th)

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
	Albania, Algeria, Argentina, Australia, Bahrain, Belarus, Brazil, Canada, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Fiji, Gambia, Georgia, Greece, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Marshall Islands, Mauritius, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Oman, Paraguay, Peru, Qatar, Republic of Korea, Saint Lucia, Saudi Arabia, Serbia and Montenegro, Singapore, South Africa, Sri Lanka, Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, Uruguay, Uzbekistan, Viet Nam, Yemen, Zimbabwe	4709th
	Albania, Algeria, Argentina, Australia, Belarus, Bolivia, Brazil, Canada, Colombia, Cuba, Dominican Republic, Egypt, El Salvador, Ethiopia, Georgia, Greece, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Malawi, Malaysia, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Republic of Korea, Senegal, Singapore, South Africa, Sudan, Switzerland, the former Yugoslav Republic of Macedonia, Thailand, Tunisia, Turkey, Venezuela, Viet Nam, Zambia, Zimbabwe	4717th
	Albania, Algeria, Argentina, Australia, Belarus, Brazil, Canada, Colombia, Costa Rica, Cuba, Czech Republic, Dominican Republic, Egypt, El Salvador, Ethiopia, Georgia, Greece, Guatemala, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Malaysia, Marshall Islands, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, New Zealand, Nicaragua, Norway, Poland, Republic of Korea, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe	4726th
	Kuwait	4887th

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in Afghanistan	Afghanistan	4699th (4711th, 4727th, 4730th, 4750th, 4840th, 4848th)
	Afghanistan, Colombia, Greece, India, Iran (Islamic Republic of), Japan, Kazakhstan, New Zealand, Norway, Philippines, Republic of Korea, Tajikistan, Ukraine, Uzbekistan	4774th
The situation in Côte d'Ivoire	Côte d'Ivoire	4700th (4754th, 4793rd, 4804th, 4857th, 4875th)
	Côte d'Ivoire, Ghana, Nigeria, Senegal	4746th (4873rd, 4874th)
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	Greece, Norway, Serbia and Montenegro	4702nd (4880th)
	Albania, Greece, Serbia and Montenegro	4742nd (4770th)
	Albania, Italy, Japan, Serbia and Montenegro	4782nd (4809th, 4823rd, 4886th)
	Albania, Italy, Japan, Serbia and Montenegro, Ukraine	4853rd
Threats to international peace and security caused by terrorist acts	Colombia	4706th
	Albania, Argentina, Australia, Bahrain, Belarus, Canada, Colombia, Croatia, Cuba, Egypt, El Salvador, Fiji, Greece, Iran (Islamic Republic of), Israel, Japan, Liechtenstein, Myanmar, Peru, South Africa, Turkey, Ukraine, Yemen	4710th (4867th)
	Afghanistan, Australia, Belarus, Brazil, Cambodia, Colombia, Fiji, Greece, India, Israel, Japan, Norway, Peru, Philippines, Republic of Korea	4734th
	Colombia, Indonesia, Israel, Italy, Japan, Nepal, Peru, Republic of Korea, Uganda, Ukraine	4792nd
	Argentina, Australia, Colombia, India, Israel, Italy, Japan, Liechtenstein, Ukraine	4798th
	Armenia, Azerbaijan, Brazil, Colombia, Ecuador, India, Indonesia, Israel, Italy, Japan, Kazakhstan, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Peru, South Africa, Switzerland, Uganda, Yemen	4845th
	Sweden	4713th
General issues relating to sanctions	Sweden	4713th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
The situation in Timor-Leste	Australia, Indonesia, Japan, Portugal, Timor-Leste	4715th (4735th)
	Australia, Brazil, Fiji, Indonesia, Japan, New Zealand, Portugal, Timor-Leste	4744th (4758th)
	Australia, India, Italy, Japan, Malaysia, New Zealand, Philippines, Portugal, Singapore, Timor-Leste	4843rd
Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa	Benin, Burkina Faso, Côte d'Ivoire, Gambia, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo	4720th
Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council	Australia, Fiji, Japan, New Zealand, Papua New Guinea	4728th (4805th, 4881st)
The situation in Sierra Leone	Sierra Leone	4729th (4829th)
The situation in Somalia	Somalia	4737th (4856th, 4885th)
The Security Council and regional organizations: facing the new challenges to international peace and security	Greece	4739th
Wrap-up discussion on the work of the Security Council for the current month	Brazil, Canada, Egypt, Georgia, Greece, Indonesia, Japan, South Africa	4748th
	Brazil, Burundi, Congo, Democratic Republic of the Congo, Egypt, Greece, Japan, Malaysia, Mauritius, Philippines, Rwanda, South Africa, Tunisia, United Republic of Tanzania, Uruguay	4766th
The situation in Burundi	Burundi	4749th (4832nd)
	Burundi, South Africa	4876th (4876th)
The role of the Security Council in the pacific settlement of disputes	Armenia, Azerbaijan, Colombia, Ethiopia, Greece, Honduras, India, Indonesia	4753rd

<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
United Nations peacekeeping	Argentina, Brazil, Canada, Cuba, Democratic Republic of the Congo, Greece, Iran (Islamic Republic of), Jordan, Liechtenstein, Malawi, Netherlands, New Zealand, Nigeria, Peru, South Africa, Switzerland, Trinidad and Tobago, Uruguay	4772nd
Security Council mission	Democratic Republic of the Congo, Rwanda, United Republic of Tanzania	4775th
	Afghanistan	4855th
The situation in Guinea-Bissau	Gambia, Guinea-Bissau	4776th (4834th, 4860th)
The situation in Bosnia and Herzegovina	Bosnia and Herzegovina, Italy	4786th (4837th)
The situation in Georgia	Georgia	4799th, 4800th
The situation in Liberia	Côte d'Ivoire, Ghana, Nigeria, Senegal	4815th (4816th)
	Liberia	4830th
Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	Libyan Arab Jamahiriya	4820th (Part II)
The situation in the Middle East, including the Palestinian question	Algeria, Argentina, Australia, Bahrain, Bangladesh, Brazil, Canada, Cuba, Egypt, India, Indonesia, Israel, Italy, Japan, Jordan, Malaysia, Morocco, Saudi Arabia, South Africa, Sudan, Tunisia, Turkey, United Arab Emirates, Nepal, Norway	4824th
	Argentina, Bahrain, Brazil, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Nepal, New Zealand, Norway, Qatar, Saudi Arabia, South Africa, Sudan, Tunisia, Turkey, United Arab Emirates, Yemen	4841st (4862nd)
Justice and the rule of law: the United Nations role	Argentina, Australia, Austria, Azerbaijan, Bahrain, Brazil, Canada, Democratic Republic of the Congo, Denmark, Finland, Italy, Japan, Jordan, Liechtenstein, New Zealand, Philippines, Republic of Korea, Romania, San Marino, Serbia and Montenegro, Sierra Leone, Sweden, Switzerland, Trinidad and Tobago, Uruguay	4835th

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<i>Item</i>	<i>State invited</i>	<i>Decision of the Council: meetings at which invitations extended and renewed</i>
Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council	Algeria, Bahrain, Cuba, Djibouti, Egypt, Iran (Islamic Republic of), Israel, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen	4836th
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	Bosnia and Herzegovina, Croatia, Rwanda, Serbia and Montenegro	4838th
Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council	Sudan	4839th
Women and peace and security	Australia, Azerbaijan, Bangladesh, Canada, Colombia, Croatia, Democratic Republic of the Congo, Egypt, Fiji, Iceland, India, Indonesia, Italy, Japan, Liechtenstein, Netherlands, Norway, Philippines, Republic of Korea, South Africa, Timor-Leste, Ukraine, United Republic of Tanzania	4852nd
The situation in the Great Lakes region	Italy, Mozambique, United Republic of Tanzania	4865th
Central African region	Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Italy, Rwanda	4871st
Protection of civilians in armed conflict	Azerbaijan, Canada, Colombia, Egypt, Italy, Japan, Norway, Republic of Korea, Sierra Leone, Switzerland, Ukraine	4877th

^a The meetings at which the initiations were renewed are indicated in parentheses.

^b As from the 4646th meeting, held on 14 November 2002, the item “The situation in East Timor” was revised to read “The situation in Timor-Leste”.

Annex II

Invitations extended under rule 39

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
2000			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women Ms. Angela King	The situation in Afghanistan	4124th	7 April 2000
	Women and peace and security	4208th	24 and 25 October 2000
Emergency Relief Coordinator ad interim, Office for the Coordination of Humanitarian Affairs Ms. Carolyn McAskie	The situation concerning the Democratic Republic of Congo	4237th	28 November 2000
President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 Judge Claude Jorda	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	4161st	20 June 2000
Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 Ms. Carla Del Ponte	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	4150th	2 June 2000
	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994	4229th	21 November 2000

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Envoy of the Secretary-General for the Balkans Mr. Carl Bildt	Briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans	4105th	28 February 2000
Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina Mr. Jacques Paul Klein	The situation in Bosnia and Herzegovina	4154th	13 June 2000
		4245th	12 December 2000
Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, Federal Republic of Yugoslavia Dr. Bernard Kouchner	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4108th	6 March 2000
		4153rd	9 June 2000
		4200th	27 September 2000
		4225th	16 November 2000
Special Representative of the Secretary-General for Children and Armed Conflict Mr. Olara Otunnu	Children and armed conflict	4176th	26 July 2000
Special Representative of the Secretary-General and Head of the Mission in Tajikistan Mr. Ivo Petrov	The situation in Tajikistan and along the Tajik-Afghan border	4140th	12 May 2000
Special Representative of the Secretary-General and Transitional Administrator in East Timor Mr. Sergio Vieira de Mello	The situation in East Timor	4097th	3 February 2000
		4165th	27 June 2000
		4203rd	29 September 2000
		4236th	28 November 2000
Under-Secretary-General and Special Adviser on Africa Mr. Ibrahim Gambari	The situation in Angola	4178th	27 July 2000
Under-Secretary-General for Legal Affairs, Legal Counsel Mr. Hans Corell	The responsibility of the Security Council in the maintenance of international peace and security	4242nd	6 December 2000

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People ^a Chairman	The situation in the Middle East, including the Palestinian question	4204th	4 October 2000
International Court of Justice Judge Gilbert Guillaume, President, International Court of Justice	Briefing by Judge Gilbert Guillaume, President of the International Court of Justice	4212th (private)	31 October 2000
Joint United Nations Programme on HIV/AIDS ^b Dr. Peter Piot, Executive Director	The situation in Africa: the impact of AIDS on peace and security in Africa	4087th	10 January 2000
	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	4172nd	17 July 2000
United Nations Children's Fund (UNICEF) Ms. Carol Bellamy, Executive Director	Children and armed conflict	4176th	26 July 2000
United Nations Development Fund for Women Ms. Noeleen Heyzer, Executive Director ^b	Women and peace and security	4208th	24 and 25 October 2000
United Nations Development Programme (UNDP) Mr. Mark Malloch Brown, ^b Administrator	The situation in Africa: the impact of AIDS on peace and security in Africa	4087th	10 January 2000
Office of the United Nations High Commissioner for Refugees Mrs. Sadako Ogata, United Nations High Commissioner for Refugees	Promoting peace and security: humanitarian assistance to refugees	4089th	13 January 2000
	Briefing by Mrs. Sadako Ogata, United Nations High Commissioner for Refugees	4219th	10 November 2000

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
World Bank ^b Mr. Callisto Madavo, Vice-President, Africa Region	The situation in Guinea-Bissau	4238th	29 November 2000
World Bank Mr. James Wolfensohn, President	The situation in Africa: the impact of AIDS on peace and security in Africa	4087th	10 January 2000
World Food Programme (WFP) Ms. Catherine Bertini, Executive Director	Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones	4100th	9 February 2000
Invitations under rule 39 to regional and other intergovernmental organizations			
Community of Portuguese-Speaking Countries ^b Mrs. Dulce Maria Pereira, Executive Secretary	The situation in Guinea-Bissau	4238th	29 November 2000
Economic Community of West African States (ECOWAS) ^b Executive Secretary	The situation in Sierra Leone	4163rd	21 June 2000
European Union Delegation of the European Commission to the United Nations	Maintaining peace and security: humanitarian aspects of issues before the Security Council	4109th	9 March 2000
European Union Mr. Javier Solana, Secretary-General of the Council of the European Union and High Representative for the European Union Common Foreign and Security Policy	Briefing by Mr. Carl Bildt, Special Envoy of the Secretary- General for the Balkans	4164th	23 June 2000
European Union Mr. Wolfgang Petristch, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4136th 4209th	9 May 2000 26 October 2000
International Security Presence in Kosovo ^b General Klaus Reinhardt, Head	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4108th (private)	6 March 2000

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
League of Arab States (LAS)	The situation in Somalia	4166th	29 June 2000
Dr. Hussein Hassouna, Permanent Observer to the United Nations	The situation in the Middle East, including the Palestinian question	4204th	4 October 2000
Organization of African Unity (OAU) Mr. Amadou Kebe, Permanent Observer to the United Nations	The situation in the Middle East, including the Palestinian question	4204th	5 October 2000
Organization of African Unity Mr. Salim Ahmed Salim, Secretary-General	The situation concerning the Democratic Republic of the Congo	4092nd	24 January 2000
Organization of the Islamic Conference (OIC) Mr. Mokhtar Lamani, Permanent Observer to the United Nations	The role of the Security Council in the prevention of armed conflicts	4174th	20 July 2000
	Children and armed conflict	4176th	26 July 2000
	The situation in the Middle East, including the Palestinian question	4204th	4 October 2000
Invitations under rule 39 to other persons			
Assistant Secretary for Health and Surgeon-General of the United States ^b Dr. David Satcher	The situation in Africa: the impact of AIDS on peace and security in Africa	4087th	10 January 2000
Facilitator of the Arusha peace process for Burundi Mr. Nelson Mandela	The situation in Burundi	4091st 4201st 4202nd (private)	19 January 2000 29 September 2000 29 September 2000
Facilitator of the Inter-Congolese Dialogue Sir Ketumile Masire	The situation concerning the Democratic Republic of the Congo	4092nd	24 January 2000
Head of the delegation of the International Committee of the Red Cross (ICRC) to the United Nations Mrs. Sylvie Junod	Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones	4100th	9 February 2000
Head of delegation of the Congolese Rally for Democracy (RCD-ML) ^b Mr. Claver Pashi	The situation concerning the Democratic Republic of the Congo	4156th	15 June 2000

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Head of External Relations of the Movement for the Liberation of the Congo (MLC) ^b Mr. Dominique Kanku	The situation concerning the Democratic Republic of the Congo	4156th	15 June 2000
President of the International Committee of the Red Cross Mr. Jakob Kellenberger	Protection of civilians in armed conflicts	4130th	19 April 2000
2001			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Assistant Secretary-General for Political Affairs Mr. Ibrahima Fall	General issues relating to sanctions	4394th	25 October 2001
Chairman of the Committee of Experts on Afghanistan appointed pursuant to Security Council resolution 1333 (2000) ^b Mr. Haile Menkerios	The situation in Afghanistan	4325th	5 June 2001
Chairperson of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth in the Democratic Republic of the Congo ^b Ms. Safiatou Ba-N'Daw Mr. Mahmoud Kassem	The situation concerning the Democratic Republic of the Congo	4317th 4437th	3 May 2001 14 December 2001
Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan ^b Amb. Alfonso Valdivieso of Colombia	The situation in Afghanistan	4325th	5 June 2001
Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning Angola Mr. Richard Ryan	The situation in Angola	4283rd	22 February 2001

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone Mr. Anwarul Karim Chowdhury	The situation in Sierra Leone	4264th	25 January 2001
Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia ^b Mr. Kishore Mahbubani	The situation in Liberia	4405th	5 November 2001
Director of Europe and Latin America Division of the Department of Peacekeeping Operations Mr. Joachim Hütter	Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to resolution 1353 (2001), annex II, section A	4435th	7 December 2001
Director of the Office for the Coordination of Humanitarian Affairs Mr. Edward Tsui	The situation in Liberia	4405th	5 November 2001
Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) Major General Mountaga Diallo	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, section A	4391st	22 October 2001
President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991 Judge Claude Jorda	International Tribunal for the Prosecution of Persons Responsible for Serious Violation of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations	4429th	27 November 2001

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994		
President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 Judge Navanethem Pillay	International Tribunal for the Prosecution of Persons Responsible for Serious Violation of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	4429th	27 November 2001
Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 Ms. Carla Del Ponte	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994	4429th	27 November 2001

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>	
Representative of the Secretary-General and Head of the United Nations Peace-building Support Office in the Central African Republic General Lamine Cissé Mr. Cheikh Tidiane Sy	The situation in the Central African Republic	4261st	23 January 2001	
		4380th	21 September 2001	
Representative of the Secretary-General for Somalia Mr. David Stephen	The situation in Somalia	4392nd	19 October 2001	
Special Representative of the Secretary-General and Coordinator of the United Nations Operations in Bosnia and Herzegovina Mr. Jacques Paul Klein	The situation in Bosnia and Herzegovina	4330th	15 June 2001	
		4379th	21 September 2001	
Special Representative of the Secretary-General and Head of the United Nations Mission in Georgia Mr. Dieter Boden	The situation in Georgia	4299th	21 March 2001	
		4313th	24 April 2001	
		4400th	30 October 2001	
Special Representative of the Secretary-General and Head of the United Nations Mission in Sierra Leone Mr. Oluyemi Adeniji	The situation in Sierra Leone	4340th	28 June 2001	
Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo Mr. Hans Haekkerup	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4296th	16 March 2001	
		4387th	5 October 2001	
Special Representative of the Secretary-General and Transitional Administrator of East Timor Mr. Sergio Vieira de Mello	Briefing by His Excellency Nebojša Čović, Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia	4373rd	17 September 2001	
		The situation in East Timor	4265th	26 January 2001
			4351st	30 July 2001
		4403rd	31 October 2001	

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Representative of the Secretary-General for Afghanistan Mr. Lakhdar Brahimi	The situation in Afghanistan	4414th	13 November 2001
Special Representative of the Secretary-General for the Democratic Republic of Congo Mr. Kamel Morjane	The situation concerning the Democratic Republic of the Congo	4279th	21 February 2001
		4348th	24 July 2001
Special Representative of the Secretary-General for the Democratic Republic of the Congo Mr. A. Namanga Ngongi	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, section A	4391st	22 October 2001
		4395th	24 October 2001
		4410th	9 November 2001
		4411th (private)	9 November 2001
Special Representative of the Secretary-General for the Great Lakes Region and Chairman of the Implementation Monitoring Committee	The situation in Burundi	4407th (private)	8 November 2001
Special Representative of the Secretary-General for the United Nations Mission in Ethiopia and Eritrea Mr. Legwaila Joseph Legwaila	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea pursuant to resolution 1353 (2001), annex II, section A	4369th	10 September 2001
Under-Secretary-General and Special Adviser of the Secretary-General on Africa Mr. Ibrahim Gambari	The situation in Angola	4418th	15 November 2001
		4444th	21 December 2001
Under-Secretary-General and Special Representative of the Secretary-General for Children and Armed Conflict Mr. Olara Otunnu	The situation concerning the Democratic Republic of the Congo	4327th	13 June 2001
	Children and armed conflict	4422nd	20 November 2001

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Kenzo Oshima	Protection of civilians in armed conflict	4312th	23 April 2001
		4424th	21 November 2001
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People Mr. Ibra Deguène Ka, Chairman	The situation in the Middle East, including the Palestinian question	4295th	15 March 2001
		4357th	20 August 2001
Committee on the Exercise of the Inalienable Rights of the Palestinian People Acting Chairman	The situation in the Middle East, including the Palestinian question	4438th	14 December 2001
		4295th	19 March 2001
Committee on the Exercise of the Inalienable Rights of the Palestinian People Mr. Papa Louis Fall, Chairman	The situation in the Middle East, including the Palestinian question	4439th	18 December 2001
		4295th	19 March 2001
Committee on the Exercise of the Inalienable Rights of the Palestinian People Mr. Papa Louis Fall, Chairman	Letter dated 30 April 2001 from Secretary-General addressed to the President of the Security Council (S/2001/434)	4265th	26 January 2001
		4398th	29 October 2001
General Assembly Mr. Harri Holkeri, President	The situation in East Timor	4265th	26 January 2001
		4265th	26 January 2001
International Monetary Fund ^b Mr. Luis Valdivieso, Adviser, Asia and Pacific Department	The situation in East Timor	4265th	26 January 2001
		4265th	26 January 2001

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Joint United Nations Programme on HIV/AIDS	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	4259th	19 January 2001
Dr. Peter Piot, Executive Director		4339th	28 June 2001
Office of the High Commissioner for Human Rights	Protection of civilians in armed conflict	4312th	23 April 2001
Mrs. Mary Robinson, United Nations High Commissioner for Human Rights			
United Nations Children's Programme	Children and armed conflict	4422nd	20 November 2001
Ms. Carol Bellamy, Executive Director			
United Nations Development Programme	The situation in East Timor	4265th	26 January 2001
Mr. Mark Malloch Brown, Administrator			
United Nations Development Programme	The situation in East Timor	4403rd	31 October 2001
Mr. Zephirin Diabre, Associate Administrator			
United Nations Development Programme	The situation in the Central African Republic	4261st	23 January 2001
Mr. Frederick Lyons, Acting Deputy Director of the Regional Bureau for Africa			
World Bank	The situation in the Central African Republic	4380th	21 September 2001
Mr. Robert Calderisi, Country Director			
World Bank	The situation in the Central African Republic	4261st	23 January 2001
Mr. Mats Karlsson, Vice President for External Affairs and United Nations Affairs	The situation in East Timor	4403rd	31 October 2001
Mr. Klaus Rohland, Country Director for East Timor, Papua New Guinea and Pacific Islands	The situation in East Timor	4265th	26 January 2001

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Invitations under rule 39 to regional and other intergovernmental organizations			
Economic Commission of West Asian States Executive Secretary	The situation in Guinea following recent attacks along its border with Liberia and Sierra Leone, the situation in Liberia and the situation in Sierra Leone	4276th	12 February 2001
European Union Mr. Wolfgang Petritsch, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4303rd	22 March 2001
		4379th	21 September 2001
European Union Mr. Richard Wyatt, Chargé d' affaires a.i. of the Delegation of the European Commission	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4286th	6 March 2001
International Organization of la Francophonie ^b Mr. Ridha Bouabid, Permanent Observer	The situation in the Central African Republic	4261st	23 January 2001
League of Arab States Mr. Ali Ahmed Abbas, Deputy Permanent Observer to the United Nations	The situation in the Middle East, including the Palestinian question	4295th	19 March 2001
		4357th	20 August 2001
		4357th	21 August 2001
Organization of African Unity Mr. Saïd Djennit, Under-Secretary-General for Political Affairs	The situation concerning the Democratic Republic of the Congo	4279th	21 February 2001
Organization of African Unity Mr. Amadou Kébé, Permanent Observer	The situation in Burundi	4406th	8 November 2001
		4407th (private)	8 November 2001
		4410th	9 November 2001
		4411th (private)	9 November 2001
Organization of the Islamic Conference Mr. Mokhtar Lamani, Permanent Observer	The situation in the Middle East, including the Palestinian question	4295th	19 March 2001
	Protection of civilians in armed conflict	4312th	23 April 2001

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	The situation in Somalia	4392nd	19 October 2001
Organization of the Islamic Conference Mr. Ahmad Hajihosseini, Deputy Permanent Observer	The situation in the Middle East, including the Palestinian question	4357th	20 and 21 August 2001
Invitations under rule 39 to other persons			
Chief Minister of the Second Transitional Government of East Timor ^b Mr. Mari Alkatiri	The situation in East Timor	4403rd	31 October 2001
Facilitator of the Arusha Peace Process for Burundi ^b Mr. Nelson Mandela	The situation in Burundi	4416th	15 November 2001
Facilitator of the Inter-Congolese Dialogue Sir Ketumile Masire	The situation concerning the Democratic Republic of the Congo	4281st (private) 4364th (private)	22 February 2001 5 September 2001
Members of the Political Committee of the Lusaka Ceasefire Agreement Burundi and Zambia ^b	The situation concerning the Democratic Republic of the Congo	4411th (private)	9 November 2001
Members of the Regional Peace Initiative on Burundi	The situation in Burundi	4407th (private)	8 November 2001
Member of the Transitional Cabinet of East Timor responsible for Foreign Affairs Mr. José Ramos-Horta	The situation in East Timor	4265th 4321st 4351st	26 January 2001 18 May 2001 30 July 2001
President of the National Council of Timorese Resistance ^b Mr. Xanana Gusmão	The situation in East Timor	4321st	18 May 2001
Representative of the Congolese Rally for Democracy-Kisangani (RCD-K) Prof. Pashi-Claver	The situation concerning the Democratic Republic of the Congo	4279th 4410th	21 February 2001 9 November 2001

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Representative of the facilitator for the inter-Congolese Dialogue Mr. Archibald M. Mogwe	The situation concerning the Democratic Republic of the Congo	4410th	9 November 2001
Representative of the Facilitator of the Burundi Peace Process Judge Mark Bomani	The situation in Burundi	4378th	20 September 2001
Representative of the Facilitator to the Implementation Monitoring Committee Prof. Nicholas Haysom	The situation in Burundi	4378th	20 September 2001
Representative of the Movement for the Liberation of the Congo (MLC) to the Joint Military Commission Mr. Valentine Senga	The situation concerning the Democratic Republic of the Congo	4279th	21 February 2001
Secretary-General of the Congolese Rally for Democracy (RCD) ^b Mr. Azarias Ruberwa	The situation concerning the Democratic Republic of the Congo	4279th 4410th	21 February 2001 9 November 2001
Secretary-General of the Movement for the Liberation of the Congo Mr. Olivier Kamitatu	The situation concerning the Democratic Republic of the Congo	4410th	9 November 2001
2002			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women Ms. Angela King	Women and peace and security	4589th	25 July 2002
Assistant Secretary-General for Peacekeeping Operations Mr. Hédi Annabi	Meeting of the Security Council with the troop-contributing countries to the United Nations Observers Mission in Prevlaka (UNMOP) pursuant to resolution 1353 (2001), annex II, section A	4446th (private) 4620th (private)	10 January 2002 10 October 2002
	Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon (UNIFIL) pursuant to resolution 1353 (2001), annex II, section A	4455th	21 January 2002

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Meeting of the Security Council with the troop-contributing countries to the United Nations Transitional Administration in East Timor (UNTAET) pursuant to resolution 1353 (2001), annex II, section A	4456th (private)	23 January 2002
	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4475th (private)	25 February 2002
4498th		27 March 2002	
4605th		5 September 2002	
	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara (MINURSO) pursuant to resolution 1353 (2001), annex II, section A	4477th (private)	25 February 2002
4520th (private)		24 April 2002	
	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, sections A and B	4483rd (private)	4 March 2002
4612th (private)		19 September 2002	
	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Eritrea and Ethiopia (UNMEE) pursuant to resolution 1353 (2001), annex II, section A	4491st (private)	14 March 2002
4599th (private)		13 August 2002	
	The situation in East Timor	4522nd	26 April 2002
4598th (private)		13 August 2002	
	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in Bosnia and Herzegovina pursuant to resolution 1353 (2001), annex II, section A	4553rd (private)	13 June 2002

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission (UNIKOM) pursuant to resolution 1353 (2001), annex II, sections A and B	4617th (private)	2 October 2002
	The situation in Afghanistan	4664th	13 December 2002
	Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force (UNDOF) pursuant to resolution 1353 (2001), annex II, sections A and B	4669th (private)	17 December 2002
Assistant Secretary-General for Political Affairs Mr. Danilo Türk	The situation in Afghanistan	4497th	26 March 2002
Assistant Secretary-General for Political Affairs Mr. Ibrahima Fall	The situation in Africa: Ad hoc Working Group on Conflict Prevention and Resolution in Africa	4538th	22 May 2002
Assistant Secretary-General for Political Affairs Mr. Tuliameni Kalomoh	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa Mr. Jagdish Koonjul	The situation in Africa: Ad hoc Working Group on Conflict Prevention and Resolution in Africa	4538th	22 May 2002
	Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant	4673rd	18 December 2002

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad hoc Working Group on Conflict Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations		
Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait Mr. Ole Peter Kolby	Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad hoc Working Group on Conflict Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations	4673rd	18 December 2002
Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola Mr. Richard Ryan	Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to	4673rd	18 December 2002

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	resolution 1343 (2001) concerning Liberia, the Ad hoc Working Group on Conflict Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations		
Chairman of the Working Group of the Security Council on United Nations Peacekeeping Operations Mr. Wegger Christian Strommen	Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad hoc Working Group on Conflict Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations	4673rd	18 December 2002
Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia Mr. Kishore Mahbubani	Briefings by the Chairmen of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, the Ad hoc Working Group on Conflict	4673rd	18 December 2002

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Prevention and Resolution in Africa and the Working Group of the Security Council on United Nations Peacekeeping Operations		
Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism Sir Jeremy Greenstock	Threats to international peace and security caused by terrorist acts	4453rd	18 January 2002
		4512th	15 April 2002
		4561st	27 June 2002
		4618th	4 October 2002
Deputy Director, Asia and Middle East Division, Department of Peacekeeping Operations Ms. Louise Laheurte	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, section A	4545th	24 May 2002
		4576th (private)	17 July 2002
Deputy Emergency Relief Coordinator Ms. Carolyn McAskie	The situation in Africa	4577th	18 July 2002
Director of the Europe and Latin America Division, Department of Peacekeeping Operations Mr. Joachim Hütter	Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus pursuant to resolution 1353 (2001), annex II, sections A and B ^c	4549th (private)	5 June 2002
		4648th (private)	21 November 2002
		4586th	24 July 2002
	Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia (UNOMIG) pursuant to resolution 1353 (2001), annex II, section A		

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Former Chairman of the Security Council Working Group on Peacekeeping Operations ^b Mr. Curtis Ward	Third report of the Security Council Working Group on Peacekeeping Operations (S/2001/1335)	4447th	14 January 2002
Head of the Security Council Mission to Eritrea and Ethiopia ^b Mr. Ole Peter Kolby	The situation between Eritrea and Ethiopia	4485th	6 March 2002
Office of the Special Adviser on Gender Issues and the Advancement of Women Ms. Carolyn Hannan, O.I.C.	Women and peace and security	4635th	28 October 2002
President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 Judge Claude Jorda	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	4581st	23 July 2002
		4637th	29 October 2002
President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 Judge Navanethem Pillay	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	4637th	29 October 2002
		International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law	

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994		
Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	4637th	29 October 2002
Ms. Carla Del Ponte			
Prosecutor for the International Criminal Tribunal for the Former Yugoslavia	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	4581st	23 July 2002
Ms. Carla del Ponte			
Representative of the Secretary-General and Head of the United Nations Peace-building Support Office in Guinea-Bissau	The situation in Guinea-Bissau	4567th (private)	8 July 2002
Mr. David Stephen			
Representative of the Secretary-General and Head of the United Nations Political Office for Somalia	The situation in Somalia	4565th (private)	3 July 2002
Mr. Winston Tubman			

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General	The situation in the Middle East including the Palestinian question	4613th	20 September 2002
		4668th	16 December 2002
Mr. Terje Roed-Larsen			
Special Representative of the Secretary-General and Transitional Administrator for East Timor	The situation in East Timor	4462nd	30 January 2002
Mr. Sergio Vieira de Mello			
Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4484th	5 March 2002
		4555th	19 June 2002
		4631st	23 October 2002
Mr. Jacques Paul Klein		4661st	12 December 2002
Special Representative of the Secretary-General for Afghanistan	The situation in Afghanistan	4469th	6 February 2002
		4579th	19 July 2002
		4611th	19 September 2002
Mr. Lakhdar Brahimi		4638th	30 October 2002
Special Representative of the Secretary-General for Angola and Head of the United Nations Mission in Angola	The situation in Angola	4671st	17 December 2002
Mr. Ibrahim Gambari			
Special Representative of the Secretary-General for Children and Armed Conflict	Children and armed conflict	4528th	7 May 2002
Mr. Olara Otunnu			
Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4518th	24 April 2002
		4592nd	30 July 2002
Mr. Michael Steiner			

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Representative of the Secretary-General for the Democratic Republic of Congo and Chief of the United Nations Organization Mission in the Democratic Republic of Congo Mr. Amos Namanga Ngongi	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, section A	4550th	11 June 2002
Special Representative of the Secretary-General for Sierra Leone and Head of the United Nations Mission in Sierra Leone Mr. Oluyemi Adeniji	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Sierra Leone (UNAMSIL) pursuant to resolution 1353 (2001), annex II, sections A and B ^c	4496th (private)	20 March 2002
		4610th (private)	18 September 2002
Special Representative of the Secretary-General for Western Sahara and Chief of Mission Mr. William Lacy Swing	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, section A	4587th (private)	24 July 2002
Special Representative of the Secretary-General to Timor-Leste Mr. Kamallesh Sharma	The situation in Timor-Leste ^d	4646th	14 November 2002
Under-Secretary-General and Special Adviser of the Secretary-General for Special Assignments in Africa Mr. Ibrahim Gambari	The situation in Angola	4517th	23 April 2002
		4595th	7 August 2002
Under-Secretary-General for Disarmament Affairs Mr. Jayantha Dhanapala	Small arms	4623rd	11 October 2002
Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Kenzo Oshima	The situation in Angola	4472nd	13 February 2002
		4575th	17 July 2002
	Protection of civilians in armed conflict	4492nd	15 March 2002
		4660th	10 December 2002
Under-Secretary-General for Peacekeeping Operations Mr. Jean-Marie Guéhenno	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4454th	21 January 2002
		4533rd	16 May 2002
		4559th	26 June 2002
		4643rd	6 November 2002

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	The situation in Sierra Leone	4570th (private)	11 July 2002
	The situation in Africa	4577th	18 July 2002
	Women and peace and security	4589th	25 July 2002
	The situation in Croatia	4662nd	12 December 2002
Under-Secretary-General for Political Affairs	The situation in Afghanistan	4479th	27 February 2002
Mr. Kieran Prendergast		4490th	13 March 2002
		4521st	25 April 2002
		4541st	23 May 2002
		4557th	21 June 2002
	The situation in Africa	4577th	18 July 2002
	The situation in the Middle East including the Palestinian question	4645th	12 November 2002
	Letter dated 31 March 1998 from the Chargé d'affaires, a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council (S/1998/287)	4647th	21 November 2002
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the Middle East, including the Palestinian question	4478th	26 February 2002
Chairman		4506th	3 April 2002
Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the Middle East, including the Palestinian question	4552nd	13 June 2002
Mr. Papa Louis Fall, Chairman		4614th	23 September 2002
Committee on the Exercise of the Inalienable Rights of the Palestinian People	The situation in the Middle East, including the Palestinian question	4525th	3 May 2002
Mr. Ravan A. G. Farhâdi, Vice-Chairman			

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Committee on the Exercise of the Inalienable Rights of the Palestinian People Mr. Bruno Rodriguez Parilla, Acting Chairman	The situation in the Middle East, including the Palestinian question	4588th	24 July 2002
Economic and Social Council ^b Mr. Ivan Šimonovič, President	The situation in Africa	4460th	29 January 2002
		4538th	27 March 2002
		4577th	18 July 2002
	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
	Women and peace and security	4635th	28 October 2002
International Court of Justice Judge Gilbert Guillaume, President	Briefing by Judge Gilbert Guillaume, President of the International Court of Justice	4636th	29 October 2002
United Nations Children's Fund Ms. Carol Bellamy, Executive Director	Children and armed conflict	4528th	7 May 2002
United Nations Development Programme Mr. Abdoulaye Mar Dieye, Director for West Africa	The situation in Africa	4577th	18 July 2002
United Nations Development Programme Ms. Julia Taft, Director for the Bureau for Crisis Prevention and Recovery	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
United Nations Development Fund for Women Ms. Noeleen Heyzer, Executive Director	Women and peace and security	4589th	25 July 2002
Office of the United Nations High Commissioner for Refugees Mr. Ruud Lubbers, United Nations High Commissioner for Refugees	Briefing by Mr. Ruud Lubbers, United Nations High Commissioner for Refugees	4470th	7 February 2002

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
World Bank Mr. Florian Fichtl, Senior Social Protection Specialist for Regional Human Development	The situation in Africa	4577th	18 July 2002
World Bank Mr. Emmanuel Mbi, Country Director for South-Central Africa and the Great Lakes Region	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
World Food Programme Ms. Catherine Bertini, Executive Director	Food aid in the context of conflict settlement: Afghanistan and other crisis areas	4507th	4 April 2002
World Food Programme Mr. James Morris, Executive Director	Africa's food crises as a threat to peace and security	4652nd	3 December 2002
Invitations under rule 39 to regional and other intergovernmental organizations			
Economic Community of Central African States ^b Mr. Nelson Cosme, Deputy Secretary-General	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
Economic Community of West African States General Chekh Omar Diarra, Deputy Executive Secretary	The situation in Africa	4577th	18 July 2002
European Union Mr. Javier Solana, Secretary-General of the Council and High Representative for Foreign Policy and Common Security	The situation in Bosnia and Herzegovina	4484th	5 March 2002
League of Arab States Mr. Yahya Mahmassani, Permanent Observer to the United Nations	The situation in the Middle East, including the Palestinian question	4588th	24 July 2002
		4614th	23 September 2002
	The situation between Iraq and Kuwait	4625th	16 October 2002

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Office of the High Representative of the International Community in Bosnia and Herzegovina Mr. Wolfgang Petristch, High Representative	The situation in Bosnia and Herzegovina	4484th	5 March 2002
Office of the High Representative of the International Community in Bosnia and Herzegovina Lord Paddy Ashdown, High Representative	The situation in Bosnia and Herzegovina	4631st	23 October 2002
Organization of African Unity (OAU)/ African Union (AU) Mr. Amara Essy, Secretary-General	The situation in Africa	4460th	29 January 2002
Organization of African Unity/African Union Mr. Amadou Kébé, Permanent Observer to the United Nations	The situation in Africa	4538th	22 May 2002
	The situation in the Middle East, including the Palestinian question	4614th	23 September 2002
	Threats to international peace and security caused by terrorist acts	4618th	4 October 2002
	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630th	22 October 2002
Organization of African Unity/African Union Mr. Sylvian Ngung, Deputy Permanent Observer to the United Nations	The situation in Africa	4577th	18 July 2002
Organization of the Islamic Conference Mr. Mokhtar Lamani, Permanent Observer to the United Nations	The situation in Afghanistan	4579th	19 July 2002
	Threats to international peace and security caused by terrorist acts	4618th	4 October 2002
	The situation between Iraq and Kuwait	4625th	16 October 2002

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Invitations under rule 39 to other persons			
Chief Minister of East Timor (Timor-Leste) Mr. Mari Bin Amude Alkatiri	The situation in East Timor	4522nd	26 April 2002
Director General of the International Committee of the Red Cross Mr. Angelo Gnaedinger	Protection of civilians in armed conflict	4660th	10 December 2002
Former Minister of Education for Mozambique, former Independent Expert of the Secretary-General on the Impact of Armed Conflict on Children ^b Ms. Graça Machel	Children and armed conflict	4528th	7 May 2002
President-Elect of East Timor (Timor-Leste) ^b Mr. Xanana Gusmão	The situation in East Timor	4522nd	26 April 2002
Senior Minister for Foreign Affairs and Cooperation of East Timor (Timor-Leste) Mr. José Ramos-Horta	The situation in East Timor	4462nd	30 January 2002
2003			
Invitations under rule 39 to representatives of the United Nations Secretariat, Security Council missions and Security Council subsidiary bodies			
Acting Director, Asia and Middle East Division, Department of Peacekeeping Operations Mr. Julian Harston	Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission pursuant to resolution 1353 (2001), annex II, sections A and B	4781st (private)	1 July 2003
	Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force pursuant to resolution 1353 (2001), annex II, sections A and B	4878th (private)	11 December 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, sections A and B	4795th (private)	25 July 2003
Assistant Secretary-General for Peacekeeping Operations Mr. Hédi Annabi	Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, sections A and B	4689th (private)	21 January 2003
	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, sections A and B	4690th 4763rd	22 January 2003 28 May 2003
	The situation in Afghanistan	4727th	27 March 2003
	Meeting of the Security Council with the troop-contributing countries to the United Nations Iraq-Kuwait Observation Mission pursuant to resolution 1353 (2001), annex II, sections A and B	4733rd	2 April 2003
	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4742nd	23 April 2003
	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, sections A and B	4767th (private)	4 June 2003
	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4823rd	12 September 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Sierra Leone pursuant to resolution 1353 (2001), annex II, sections A and B	4827th (private)	16 September 2003
Assistant Secretary-General for Political Affairs	General issues relating to sanctions	4713th	25 February 2003
Mr. Danilo Türk	Letter dated 31 March 1998 from the Chargé d'affaires, a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council	4728th 4881st	28 March 2003 15 December 2003
	The situation in the Middle East, including the Palestinian question	4741st 4810th	16 April 2003 19 August 2003
Assistant Secretary-General for Political Affairs	The situation in Guinea-Bissau	4834th	29 September 2003
Mr. Tuliameni Kalomoh	Central African region	4871st	24 November 2003
Chairman of the Monitoring Group established pursuant to resolution 1363 (2001)	Threats to international peace and security caused by terrorist acts	4798th	29 July 2003
Mr. Michael Chandler			
Chairman of the Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait	Briefings by Chairmen of Security Council committees and working groups	4888th	22 December 2003
Mr. Pleuger			
Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda	Briefings by Chairmen of Security Council committees and working groups	4888th	22 December 2003
Mr. Fayssal Mekdad, on behalf of the Chairman			

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone Mrs. Maria Angelica Arce de Jeannet, on behalf of the Chairman	Briefings by Chairmen of Security Council committees and working groups	4888th	22 December 2003
Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) Mr. Heraldo Munoz	Threats to international peace and security caused by terrorist acts	4798th	29 July 2003
Chairman of the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism ^b Sir Jeremy Greenstock	High-level meeting of the Security Council: combating terrorism	4688th	20 January 2003
	Threats to international peace and security caused by terrorist acts	4710th	20 February 2003
		4734th	4 April 2003
	Report of the Security Council mission to West Africa from 26 June to 5 July 2003	4785th	9 July 2003
Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism Mr. Inocencio Arias	Threats to international peace and security caused by terrorist acts	4845th	16 October 2003
Chairman of the Working Group on General Issues on Sanctions ^b Mr. Martin Belinga-Eboutou	Briefings by Chairmen of Security Council committees and working groups	4888th	22 December 2003
Chief Military Observer, UNOMIG Major General Kazi Ashfag Ahmed	Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B	4687th	17 January 2003
Deputy Military Adviser, Department of Peacekeeping Operations Major General Martin L. Agwai	Meeting of the Security Council with the troop-contributing countries to the United Nations Disengagement Observer Force pursuant to resolution 1353 (2001), annex II, sections A and B	4778th	23 June 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Director, Africa Division, Department of Peacekeeping Operations Mr. Dmitry Titov	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, sections A and B	4847th (private)	23 October 2003
Director General of the United Nations Office at Vienna and Executive Director, United Nations Office on Drugs and Crime Mr. Antonio Maria Costa	The situation in Afghanistan	4774th	17 June 2003
Director, Europe and Latin America Division, Department of Peacekeeping Operations Mr. Joachim Hütter	Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia pursuant to resolution 1353 (2001), annex II, sections A and B	4687th (private)	17 January 2003
Executive Chairman, United Nations Monitoring, Verification and Inspection Commission ^b Mr. Hans Blix	The situation between Iraq and Kuwait	4692nd 4708th 4714th 4721st	27 January 2003 14 February 2003 7 March 2004 19 March 2003
Executive Director, Joint United Nations Programme on HIV/AIDS Mr. Peter Piot	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	4859th	17 November 2003
Executive Director, Office of the Iraq Programme Mr. Benon Sevan	The situation between Iraq and Kuwait	4851st	28 October 2003
Force Commander, UNIFIL ^b Major General Lalit Mohan Tewari	Meeting of the Security Council with the troop-contributing countries to the United Nations Interim Force in Lebanon pursuant to resolution 1353 (2001), annex II, sections A and B	4689th (private)	21 January 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Head of Mission in Guinea-Bissau and Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone Mr. Adolfo Aguilar Zinser	Report of the Security Council mission to West Africa from 26 June to 5 July 2003	4785th	9 July 2003
Head of the Political Office in Bougainville Mr. Noel Sinclair	Letter dated 31 March 1998 from the Chargé d'affaires, a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council	4805th	6 August 2003
Head of the Security Council mission to Afghanistan Amb. Gunter Pleuger	Security Council mission: report of the Security Council mission to Afghanistan from 31 October to 7 November 2003	4855th	11 November 2003
Head of the Security Council mission to Central Africa Mr. Jean-Marc de la Sablière	Security Council mission: report of the Security Council mission to Central Africa from 7 to 16 June 2003	4775th	18 June 2003
Legal Counsel of the United Nations ^b Mr. Hans Corell	Justice and the rule of law: the United Nations role	4835th	30 September 2003
Military Adviser, Department of Peacekeeping Operations Major General Patrick Commaert	Meeting of the Security Council with the troop-contributing countries to the United Nations mission of Support in East Timor (UNMISSET) pursuant to resolution 1353 (2001), annex II, sections A and B	4755th	16 May 2003
Officer-in-Charge of the Europe and Latin America Division, Department of Peacekeeping Operations Mr. Wolfgang Weisbrod-Weber	Meeting of the Security Council with the troop-contributing countries to the United Nations Peacekeeping Force in Cyprus pursuant to resolution 1353 (2001), annex II, sections A and B	4866th	20 November 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
<p>President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</p> <p>Judge Theodor Meron</p>	<p>International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</p> <p>International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994</p>	4838th	9 October 2003
<p>Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</p> <p>Ms. Carla Del Ponte</p>	<p>International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</p>	4838th	9 October 2003
<p>Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994</p> <p>Ms. Carla Del Ponte</p>	<p>International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</p> <p>International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994</p>	4806th (private)	8 August 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Prosecutor of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 Mr. Hassan Bubacar Jallow	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	4838th	9 October 2003
Representative of the Secretary-General and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) Mr. David Stephen	The situation in Guinea-Bissau	4776th	19 June 2003
Senior Gender Adviser, United Nations Organization Mission in the Democratic Republic of the Congo Ms. Amy Smythe	Women and peace and security	4852nd	29 October 2003
Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General Mr. Terje Roed-Larsen	The situation in the Middle East, including the Palestinian question	4722nd 4757th 4788th 4824th 4879th	19 March 2003 19 May 2003 17 July 2003 15 September 2003 12 December 2003
Special Representative of the Secretary-General and Head, United Nations Interim Administration Mission in Kosovo (UNMIK) Mr. Harri Holkeri	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4853rd	30 October 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Representative of the Secretary-General for Afghanistan Mr. Lakhdar Brahimi	The situation in Afghanistan	4699th	31 January 2003
		4750th	6 May 2003
Special Representative of the Secretary-General for Children and Armed Conflict Mr. Olara Otunnu	Report of the Secretary-General on children and armed conflict	4684th	14 January 2003
Special Representative of the Secretary-General for Côte d'Ivoire Mr. Albert Tevoedjre	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Côte d'Ivoire (MINUCI) pursuant to resolution 1353 (2001), annex II, sections A and B	4854th (private)	7 November 2003
Special Representative of the Secretary-General for Georgia and Head of Mission Ms. Heidi Tagliavini	Meeting of the Security Council with the troop-contributing countries to the United Nations Observer Mission in Georgia (UNOMIG) pursuant to resolution 1353 (2001), annex II, sections A and B	4796th (private)	25 July 2003
		The situation in Georgia	4799th (private)
Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration in Kosovo Mr. Michael Steiner	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4702nd	6 February 2003
		4782nd	3 July 2003
Special Representative of the Secretary-General for Iraq Mr. Sergio Vieira de Mello	The situation between Iraq and Kuwait	4791st	22 July 2003
Special Representative of the Secretary-General for Liberia Mr. Jacques Paul Klein	Meeting of the Security Council with the troop- and civilian police-contributing countries to the proposed United Nations peacekeeping operation in Liberia pursuant to resolution 1353 (2001), annex II, sections A and B	4825th	15 September 2003
		The situation in Liberia	4826th

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Special Representative of the Secretary-General for Sierra Leone and Head of the United Nations mission in Sierra Leone Mr. Oluyemi Adeniji	Meeting of the Security Council with the troop-contributing countries to the United Nations mission in Sierra Leone pursuant to resolution 1353 (2001), annex II, sections A and B	4724th	20 March 2003
Assistant Secretary-General for Peacekeeping Operations Mr. Hédi Annabi	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, sections A and B	4763rd (private)	28 May 2003
Special Representative of the Secretary-General for the Great Lakes Region Mr. Ibrahima Fall	The situation in the Great Lakes region	4865th	20 November 2003
Special Representative of the Secretary-General for Timor-Leste and Head of Mission Mr. Kamallesh Sharma	The situation in Timor-Leste	4744th 4843rd	28 April 2003 15 October 2003
Special Representative of the United Nations Mission in Ethiopia and Eritrea Mr. Legwaila Joseph Legwaila	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea pursuant to resolution 1353 (2001), annex II, sections A and B	4716th (private) 4821st	10 March 2003 9 September 2003
United Nations Deputy High Commissioner for Human Rights Mr. Bertrand Gangapersaud Ramcharan	The situation concerning the Democratic Republic of the Congo	4784th	7 July 2003
United Nations High Commissioner for Human Rights Mr. Sergio Vieira de Mello	The situation concerning the Democratic Republic of the Congo	4705th	13 February 2003
Under-Secretary-General and Special Adviser to the Secretary-General on Cyprus Mr. Alvaro de Soto	The situation in Cyprus	4738th	10 April 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Kenzo Oshima	Response to the humanitarian situation in Iraq	4762nd	22 May 2003
	Protection of civilians in armed conflict	4777th	20 June 2003
Under-Secretary-General for Peacekeeping Operations Mr. Jean-Marie Guéhenno	The situation concerning the Democratic Republic of the Congo	4705th	13 February 2003
		4784th	7 July 2003
	The situation in Afghanistan	4711th	24 February 2003
		4712th (private)	24 February 2003
		4774th	17 June 2003
		4848th	24 October 2003
	The situation in Timor-Leste	4715th	10 March 2003
	Justice and the rule of law: the United Nations role	4835th	30 September 2003
	Women and peace and security	4852nd	29 October 2003
	The importance of mine action for peacekeeping operations	4858th	13 November 2003
The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	4859th	17 November 2003	
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)	4886th	17 December 2003	
Under-Secretary-General for Political Affairs Mr. Kieran Prendergast	The situation in the Middle East, including the Palestinian question	4685th	16 January 2003
		4704th	13 February 2003
		4774th	13 June 2003
		4846th	21 October 2003
		4861st	19 November 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Invitations under rule 39 to representatives of United Nations organs, subsidiary bodies or agencies			
Economic and Social Council Mr. Gert Rosenthal, President	Wrap-up discussion on the work of the Security Council for the current month	4748th	30 April 2003
	The situation in Guinea-Bissau	4860th	18 November 2003
	The situation in Burundi	4876th	4 December 2003
Economic and Social Council Mr. Dumisani Kumalo, Chairman, Ad hoc Advisory Group on Guinea-Bissau	The situation in Guinea-Bissau	4776th	19 June 2003
International Atomic Energy Agency (IAEA) Mr. Mohamed El Baradei, Director General	The situation between Iraq and Kuwait	4692nd 4708th 4714th	27 January 2003 14 February 2003 7 March 2003
Mr. Gustavo Zlauvinen, Representative of the Director General	The situation between Iraq and Kuwait	4721st	19 March 2003
International Court of Justice Mr. Nabil Elaraby, Judge	The role of the Security Council in the pacific settlement of disputes	4753rd	13 May 2003
United Nations Children's Fund (UNICEF) Ms. Carol Bellamy, Executive Director ^e	Report of the Secretary-General on children and armed conflict	4684th	14 January 2003
United Nations Children's Fund Mr. Nils Kastberg, Director, Emergency Programmes	Response to the humanitarian situation in Iraq	4762nd	22 May 2003
United Nations Development Programme Mr. Mark Malloch Brown, Administrator	Response to the humanitarian situation in Iraq	4762nd	22 May 2003
World Food Programme Mr. James Morris, Executive Director	Africa's food crisis as a threat to peace and security: briefing by Mr. James Morris, Executive Director of the World Food Programme	4736th	7 April 2003
	Response to the humanitarian situation in Iraq	4762nd	22 May 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
World Health Organization (WHO) ^b Mr. David Nabarro, Senior Policy Adviser to the Director-General, Executive Director, Sustainable Development and Healthy Environments	Response to the humanitarian situation in Iraq	4762nd	22 May 2003
Invitations under rule 39 to regional and other intergovernmental organizations			
African Union Mr. Said Djinnit, Interim Commissioner for Peace, Security and Political Affairs	Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa	4720th	18 March 2003
African Union Ambassador Amadou Kébé, Permanent Observer to the United Nations	Central African region	4871st	24 November 2003
African Union Mr. Alpha Omar Konaré, Chairperson of the Commission of the African Union	The situation in Burundi	4832nd (private)	22 September 2003
African Union Mr. Fholisani Sydney Mufamadi, Representative of the Presidency, African Union and Minister for Provincial and Local Government, South Africa	The Security Council and regional organizations: facing new challenges to international peace and security	4739th	11 April 2003
African Union Mr. Keli Walubita, Special Envoy of the Chairperson of the Commission of the African Union for the Great Lakes Region	The situation in the Great Lakes region	4865th	20 November 2003
Community of Portuguese-Speaking Countries ^b Mr. Henrique Valle, Representative	The situation in Guinea-Bissau	4860th (private)	18 November 2003
Economic Community of Central African States Mr. Nelson Cosme, Deputy Secretary- General for Political Affairs	Central African region	4871st	24 November 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Economic Community of West African States Mr. Mohamed Ibn Chambas, Executive Secretary	Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa	4720th	18 March 2003
	The Security Council and regional organizations: facing new challenges to international peace and security	4739th	11 April 2003
	The situation in Liberia	4815th	27 August 2003
		4816th (private)	27 August 2003
	The situation in Côte d'Ivoire	4873rd	24 November 2003
		4874th (private)	24 November 2003
		4746th	29 April 2003
Economic Community of West African States Mr. Nana Effah-Apenteng, Representative of the Chairman	The situation in Guinea-Bissau	4860th (private)	18 November 2003
European Union Mr. Javier Solana, Secretary-General and High Representative for the Common Foreign Policy and Security Policy	The situation concerning the Democratic Republic of the Congo	4790th	18 July 2003
European Union Lord Paddy Ashdown, High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina	The situation in Bosnia and Herzegovina	4837th	8 October 2003
League of Arab States Mr. Yahya Mahmassani, Permanent Observer to the United Nations	The situation between Iraq and Kuwait	4709th	18 and 19 February 2003
		4717th	11 March 2003
		4726th	26 and 27 March 2003
	The situation in the Middle East, including the Palestinian question	4824th	15 September 2003
		4841st	14 October 2003

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
	Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic	4836th	5 October 2003
	Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council		
League of Arab States Mr. Amre Moussa, Secretary-General	The Security Council and regional organizations: facing new challenges to international peace and security	4739th	11 April 2003
Organization of American States (OAS) Mr. César Gaviria, Secretary-General	The Security Council and regional organizations: facing new challenges to international peace and security	4739th	11 April 2003
Organization of the Islamic Conference Mr. Mokhtar Lamani, Permanent Observer to the United Nations	The situation between Iraq and Kuwait	4717th 4726th	11 March 2003 26 and 27 March 2003
Organization of the Islamic Conference Mr. Ahmad Hajihosseini, Deputy Permanent Observer to the United Nations, Chargé d'affaires, a.i.	The situation in the Middle East, including the Palestinian question	4841st	14 October 2003
Organization of Security and Cooperation in Europe (OSCE) ^b Mr. Jan Kubis, Secretary-General	The Security Council and regional organizations: facing new challenges to international peace and security	4739th	11 April 2003
Program for Coordination and Assistance for Security and Development ^b Mr. Ibrahima Sall, Regional Director	Proliferation of small arms and light weapons and mercenary activities: threats to peace and security in West Africa	4720th	18 March 2003
Invitations under rule 39 to other persons			
Ambassador of Japan in charge of Afghan Aid Coordination ^b Mr. Mutsuyoshi Nishimura	The situation in Afghanistan	4711th	24 February 2003

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<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Director of the Geneva International Centre for Humanitarian Demining ^b Mr. Martin Dahinden	The importance of mine action for peacekeeping operations	4858th	13 November 2003
Former Special Representative of the Secretary-General for the Democratic Republic of the Congo ^b Mr. Amos Namanga Ngongi	The situation concerning the Democratic Republic of the Congo	4790th	18 July 2003
Former Under-Secretary-General for Political Affairs ^b Sir Brian Urquhart	The role of the Security Council in the pacific settlement of disputes	4753rd	13 May 2003
Members of the Iraqi Governing Council ^b Mr. Adnan Pachachi Mr. Ahmad Chalabi Ms. Aqeela al-Hashemi	The situation between Iraq and Kuwait	4791st	22 July 2003
Minister for Foreign Affairs, Timor-Leste, and Special Envoy of the Community of Portuguese Speaking Countries to Guinea-Bissau Mr. José Ramos-Horta	The situation in Guinea-Bissau	4834th	29 September 2003
President of the International Committee of the Red Cross Mr. Jakob Kellenberger	Response to the humanitarian situation in Iraq	4762nd	22 May 2003
Special Representative of the German Government for the training of the Afghan police force Mr. Harald Braun	The situation in Afghanistan	4711th 4712th (private)	24 February 2003 24 February 2003

^a The Committee on the Exercise of the Inalienable Rights of the Palestinian People is a Committee of the General Assembly.

^b First-time invitation.

^c In accordance with a note by the President of the Security Council dated 27 August 2002 (S/2002/964), the wording of the items concerning "Meeting of the Security Council with troop-contributing countries... pursuant to resolution 1353 (2001), annex II, section A" was revised to read "Meeting of the Security Council with troop-contributing countries... pursuant to resolution 1353 (2001), annex II, sections A and B".

^d As from the 4646th meeting, held on 14 November 2002, the item "The situation in East Timor" was revised to read "The situation in Timor-Leste".

^e At the resumed session of the 4684th meeting, Mr. Kaul Gantam, Deputy Executive Director of UNICEF, spoke on behalf of Ms. Bellamy and by her invitation.

Chapter IV

Voting

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Introductory note

The present chapter contains material relating to the practice of the Security Council on decision-making and voting under Article 27 of the Charter.¹ The arrangement of the material basically follows that of the corresponding chapter in earlier volumes of the *Repertoire*, but also includes a new part I.

Part I presents developments in procedures related to decision-making and voting during the period 2000-2003. Part II relates to the distinction between procedural and non-procedural matters. It lists those instances in which the vote indicated the procedural or non-procedural nature of the decision. Part III deals with the practice of the Council in voting upon the question whether a matter was procedural within the meaning of Article 27, paragraph 2. Part IV is concerned with the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27, paragraph 3. Part V deals with decisions adopted without a vote.

Article 27

1. *Each member of the Security Council shall have one vote.*
2. *Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.*
3. *Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.*

Part I

Procedures relating to decision-making and voting

Note

During the period under review, recognizing the importance of timely, full and effective dissemination of its resolutions and presidential statements to the international community, in particular their communication to those concerned, the Security Council strengthened its practice in this regard. On 29 June 2001, in a note by the President, the Council stipulated, inter alia, that (a) the President of the Security Council should, when requested by the Council members, draw the attention of Member State(s) as well as regional organizations and arrangements concerned to the relevant decisions of the Council and statements to the press made by the President on behalf of Council members; and (b) the Secretariat should continue to bring to the attention of those concerned, including non-State actors, through the relevant special representatives, representatives and envoys of the

¹ Material relating to voting in connection with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI. Material on the voting procedure employed by the Council in connection with the applications for admission to membership in the United Nations is contained in chapter VII.

Secretary-General and United Nations resident coordinators, Council decisions and press statements and ensure their promptest communication and widest possible dissemination.²

Furthermore, with a view to streamlining the working methods of the Council and in conformity with the President's guidelines for the month,³ during April 2001 there was no call for negative votes by the President after a unanimous vote in favour of a draft resolution.⁴ It subsequently became Council practice, in the event that all 15 members voted in favour, for the President not to ask for negative votes or abstentions.⁵

Part II

Procedural and non-procedural matters

Note

The result of a vote in the Council does not indicate whether the matter voted upon is procedural or non-procedural when a proposal is adopted by a unanimous vote; when all permanent members vote in favour of a proposal; or when a proposal fails to obtain the necessary nine votes in its favour. The procedural or non-procedural character of the matter may be indicated by the result of the voting when a proposal obtains nine or more votes in favour, with one or more permanent members casting a negative vote. Adoption by the Council in such circumstances indicates the procedural character of the matter; rejection by the Council in such circumstances indicates the matter is non-procedural.

During the period from 2000 to 2003, there was no instance in which the vote indicated the procedural character of the matter under consideration.⁶ There were three occasions in which the Council voted, respectively, on the adjournment of a meeting,⁷

² S/2001/640.

³ S/2001/596, annex, p.10.

⁴ Voting in the Council has customarily taken place by show of hands, the President asking for those in favour, those against and those abstaining. In one instance, at the 4370th meeting, held on 12 September 2001, upon the invitation of the President, the members of the Council voted not by raising their hands but by standing, "in a show of unity in the face of the scourge of terrorism". Resolution 1368 (2001), by which, inter alia, the Council condemned the terrorist attacks that took place on 11 September in New York, Washington, D.C. and Pennsylvania, was adopted unanimously (see S/PV.4370, p. 8).

⁵ S/2002/603, p. 9.

⁶ In previous volumes of the *Repertoire*, such instances were categorized as follows: (a) inclusion of items in the agenda; (b) order of items on the agenda; (c) deferment of consideration of items on the agenda; (d) removal of an item from the list of matters of which the Security Council is seized; (e) rulings of the President of the Security Council; (f) suspension of a meeting; (g) adjournment of a meeting; (h) invitation to participate in the proceedings; (i) conduct of business; and (j) convocation of an emergency special session of the General Assembly.

⁷ At its 4820th meeting (Part I) on 9 October 2003, the Council considered the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America". The proposal was adopted by a vote of 15-0-0 (S/PV.4829, p. 2).

on an invitation to participate in the proceedings,⁸ and on a matter related to the conduct of business.⁹ In each case, the voting did not indicate by itself whether the Council considered the matter as procedural or non-procedural. In the first instance, the proposal was adopted unanimously; in the two remaining instances, the proposal failed to obtain the necessary nine votes in favour.

There were, however, instances in which the voting indicated the non-procedural character of the matter. These instances, all of which related to matters considered by the Security Council under its responsibility for the maintenance of international peace and security, are listed below. During the period under review, there was no discussion on the procedural or non-procedural nature of the questions under consideration.

Cases in which the vote indicated the non-procedural character of the matter

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Proposals (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote (proposal not adopted)</i>	<i>Permanent members casting negative vote^a</i>
The situation in the Middle East, including the Palestinian question	4305th, 27 March 2001	S/2001/270	Bangladesh, Colombia, Jamaica, Mali, Mauritius, Singapore and Tunisia	9-1-4	1
The situation in the Middle East, including the Palestinian question	4438th, 14 December 2001	S/2001/1199	Egypt and Tunisia	12-1-2	1
The situation in Bosnia and Herzegovina	4563rd, 30 June 2002	S/2002/712	Bulgaria, France, Germany, Ireland, Italy, Norway, Russian Federation and United Kingdom	13-1-1	1
The situation in the Middle East, including the Palestinian question	4681st, 20 December 2002	S/2002/1385	Syrian Arab Republic	12-1-2	1
The situation in the Middle East, including the Palestinian question	4828th, 16 September 2003	S/2003/891	Pakistan, South Africa, Sudan and Syrian Arab Republic	11-1-3	1
The situation in the Middle East, including the Palestinian question	4842nd, 14 October 2003	S/2003/980	Guinea, Malaysia, Pakistan and Syrian Arab Republic	10-1-4	1

^a For the context and explanations of the voting, see the relevant sections of chapter VIII.

⁸ At the 4164th meeting on 23 June 2000, the Council heard a briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans. The proposal failed to obtain the necessary nine votes in its favour (S/PV.4164, pp. 2-5).

⁹ At the same meeting, a separate proposal failed to obtain the necessary nine votes in its favour (S/PV.4164, pp. 2-3).

Part III

Proceedings of the Security Council regarding voting upon the question whether the matter was procedural within the meaning of Article 27, paragraph 2, of the Charter

On certain occasions the Security Council has found it necessary to decide, by vote, the question of whether the matter under consideration was procedural within the context of Article 27 (2). That question has come to be termed, in line with the language used in the San Francisco statement on voting procedure,¹⁰ “the preliminary question”.

There were no instances of voting on the preliminary question during the period under review.

¹⁰ Statement at San Francisco by the delegations of the four Sponsoring Governments on the “The Yalta Formula” on Voting in the Security Council, 8 June 1945. France subsequently indicated that it shared the views of the four Sponsoring Governments (China, United Kingdom, United States and Union of Soviet Socialist Republics). In Sydney D. Bailey and Sam Daws, editors, *The Procedure of the United Nations Security Council* (Oxford, Clarendon Press, 2005).

Part IV

Abstention, non-participation or absence in relation to Article 27, paragraph 3, of the Charter

Note

According to Article 27 (3) of the Charter, decisions of the Security Council on non-procedural (substantive) matters require “an affirmative vote of nine members” including “the concurring votes of the permanent members”. Part IV concerns the application of this requirement: (a) in the light of the proviso to Article 27 (3) (requiring abstention); and (b) in circumstances when a permanent and/or elected member voluntarily abstains, does not participate in the vote or is absent at the time of the vote.

A. Obligatory abstention

The proviso to Article 27 (3) states:

provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

During the period under review, there was no instance in which a member abstained in accordance

with the proviso to Article 27 (3), nor was there any discussion of the issue of obligatory abstention.¹¹

¹¹ Two explicit references were made to Article 27 (3) in the deliberations of the Council. At the 4128th meeting on 17 April 2000, held in connection with the item “General issues relating to sanctions”, a speaker maintained that, if any member of the Council was party to a dispute with a non-member, it had to remain neutral when the issue was debated in the Security Council with the objective of imposing sanctions against that State; this was, according to the speaker, in accordance with Article 27 (3) (S/PV.4128, p. 30 (Libyan Arab Jamahiriya). At the 4753rd meeting on 13 May 2003, held in connection with the item “The role of the Security Council in the pacific settlement of disputes”, a speaker emphasized that the Council should consider “the strict and faithful application” of Article 27 (3), adding that a State “should not be allowed to be party, judge and jury at the same time” (S/PV.4753, p. 8 (Mr. Elaraby, speaking in his personal capacity)).

B. Voluntary abstention, non-participation or absence in relation to Article 27, paragraph 3

Subsection 1 lists those instances in which permanent and/or elected members voluntarily abstained from voting. In addition, it describes in detail two particular instances of abstention in which (a) the abstaining member was also a co-sponsor of the draft resolution under consideration (case 1); and (b) the

abstaining members indicated that they would have preferred a paragraph-by-paragraph vote (case 2). Subsection 2 lists those instances in which elected members did not participate or were absent during the voting. It also describes an instance of absence in which the absent member took the floor in connection with the vote at a subsequent meeting of the Council (case 3). During the period under review, there were no instances of non-participation by permanent members or of votes taken in their absence.

1. Cases in which permanent and/or elected members abstained otherwise than in accordance with the proviso to Article 27, paragraph 3

<i>Resolutions or proposals</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1290 (2000)	Admission of new Members (Tuvalu)	4103rd, 17 February 2000	14-0-1	Permanent member: China
1301 (2000) ^a	The situation concerning Western Sahara	4149th, 31 May 2000	12-1-2	Elected members: Jamaica, Mali
1305 (2000)	The situation in Bosnia and Herzegovina	4162nd, 21 June 2000	14-0-1	Permanent member: Russian Federation
1306 (2000)	The situation in Sierra Leone	4168th, 5 July 2000	14-0-1	Elected member: Mali
1322 (2000)	The situation in the Middle East, including the Palestinian question	4205th, 7 October 2000	14-0-1	Permanent member: United States
S/2000/1171 (not adopted, having failed to obtain the necessary nine votes in favour)	The situation in the Middle East, including the Palestinian question	4248th, 18 December 2000	8-0-7	Permanent members: France, Russian Federation, United Kingdom, United States Elected members: Argentina, Canada and Netherlands
1333 (2000)	The situation in Afghanistan	4251st, 19 December 2000	13-0-2	Permanent member: China Elected member: Malaysia

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<i>Resolutions or proposals</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
S/2001/270 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4305th, 27 March 2001	9-1-4	Permanent members: France, United Kingdom Elected members: Ireland, Norway
1372 (2001)	Security Council resolution 1054 (1996) of 26 April 1996	4384th, 28 September 2001	14-0-1	Permanent member: United States
S/2001/1199 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4438th, 14 December 2001	12-1-2	Permanent member: United Kingdom Elected member: Norway
1397 (2002)	The situation in the Middle East, including the Palestinian question	4489th, 12 March 2002	14-0-1	Elected member: Syrian Arab Republic
S/2002/712 (not adopted owing to the negative vote of a permanent member)	The situation in Bosnia and Herzegovina	4563rd, 30 June 2002	13-1-1	Elected member: Bulgaria ^b
1435 (2002)	The situation in the Middle East, including the Palestinian question	4614th, 24 September 2002	14-0-1	Permanent member: United States
S/2002/1385 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4681st, 20 December 2002	12-1-2	Elected members: Bulgaria, Cameroon
1454 (2002)	The situation between Iraq and Kuwait	4683rd, 30 December 2002	13-0-2	Permanent member: Russian Federation Elected member: Syrian Arab Republic
1487 (2003)	United Nations peacekeeping	4772nd, 12 June 2003	12-0-3	Permanent member: France Elected members: Germany, Syrian Arab Republic

<i>Resolutions or proposals</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Abstaining</i>
1497 (2003)	The situation in Liberia	4803rd, 1 August 2003	12-0-3 ^c	Permanent member: France Elected members: Germany, Mexico
1500 (2003)	The situation between Iraq and Kuwait	4808th, 14 August 2003	14-0-1	Elected member: Syrian Arab Republic
1506 (2003)	Letters dated 20 and 23 December 1991, from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America	4820th (Part II), 12 September 2003	13-0-2	Permanent members: France, United States
S/2003/891 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4828th, 16 September 2003	11-1-3	Permanent member: United Kingdom Elected members: Bulgaria, Germany
S/2003/980 (not adopted owing to the negative vote of a permanent member)	The situation in the Middle East, including the Palestinian question	4842nd, 14 October 2003	10-1-4	Permanent member: United Kingdom Elected members: Bulgaria, Cameroon, Germany

^a Negative vote cast by an elected member.

^b A sponsor of the draft resolution under consideration. For details, see case 1.

^c For details, see case 2 below.

Case 1

At the 4563rd meeting, held on 20 June 2002 in connection with the item entitled “The situation in Bosnia and Herzegovina”, the Council had before it a draft resolution.¹² When it was put to the vote, one of the sponsors abstained in the vote to draw attention to “the lack of unity in the Council” on the issue under consideration.¹³ The draft resolution was not adopted owing to the negative vote of a permanent member.

¹² S/2002/712.

¹³ S/PV.4563, p. 4 (Bulgaria).

Case 2

At the 4803rd meeting on 1 August 2003, held in connection with the item “The situation in Liberia”, three Council members abstained in the vote on the draft resolution,¹⁴ which was adopted as resolution 1497 (2003). Speaking before and after the vote the abstaining members indicated they would have preferred a paragraph-by-paragraph vote to make clear that, with the exception of a single paragraph of the draft resolution, they fully supported the entire text along with the other Council members.¹⁵

¹⁴ S/2003/784.

¹⁵ S/PV.4803, p. 2 (Mexico); p. 4 (Germany); p. 7 (France).

2. Cases in which elected members did not participate or were absent during the voting

<i>Resolutions or proposals</i>	<i>Item</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Non-participation or absence</i>
1287 (2000)	The situation in Georgia	4094th, 31 January 2000	14-0-0	Jamaica (absent) ^a
S/2001/270	The situation in the Middle East, including the Palestinian question	4305th, 27 March 2001	9-1-4	Ukraine (President, did not participate)
1402 (2002)	The situation in the Middle East, including the Palestinian question	4503rd, 30 May 2002	14-0-0	Syrian Arab Republic (absent)
1483 (2003)	The situation between Iraq and Kuwait	4761st, 22 May 2003	14-0-0	Syrian Arab Republic (absent) ^b

^a The record of the meeting (S/PV.4094, p. 2) notes in square brackets, “Subsequently the Permanent Representative of Jamaica indicated that she would have voted in favour had she been present at the time of voting”.

^b The record of the meeting (S/PV.4761, p. 2) notes in a footnote, “At the 4762nd (resumed) meeting, in the afternoon of 22 May, the representative of the Syrian Arab Republic took the floor in connection with this vote, explaining that the Syrian Arab Republic would have voted in favour of this resolution had it been granted the additional time before the voting that it had requested on more than one occasion. The text of his statement is in the official record of the 4762nd (resumed) meeting”. See also letter dated 22 May 2003 from the representative of the Syrian Arab Republic addressed to the President of the Security Council (S/2003/567, annex).

Case 3

At the 4305th meeting, on 27 March 2001, held in connection with “The situation in the Middle East, including the Palestinian question”, the Council considered a draft resolution,¹⁶ which was put to the vote but not adopted owing to the negative vote of a permanent member. Before giving the floor to members of the Council who wished to make statements before the voting, the President said that he wished to speak in his capacity as the representative of Ukraine.

The representative noted that Ukraine had always stood for appropriate and effective actions by the Council to put an end to the increasing Israeli-Palestinian confrontation. However, without the necessary unanimity of the members of the Council, his delegation did not believe that the vote on the draft resolution would either achieve its original goal with regard to the protection of Palestinian civilians or send any positive signal to the peoples in the region. Therefore, while supporting the contents of the draft resolution and being well aware of the outcome of the voting exercise upon which the Council was about to embark, he announced that his delegation would not take part in the vote. The

¹⁶ S/2001/270.

representative hoped that there was still a chance to reach consensus on another draft resolution.¹⁷

Case 4

At the 4761st meeting, held on 22 May 2003 in connection with the item “The situation between Iraq and Kuwait”, the Council had before it a draft resolution,¹⁸ which was put to the vote and adopted as resolution 1483 (2003). The representative of the Syrian Arab Republic was absent during the vote. Subsequently, during the 4762nd meeting, he took the floor in connection with the vote, explaining that his delegation would have voted in favour of resolution 1483 (2003) had it been granted the additional time for deliberation before the voting that had been requested on more than one occasion.¹⁹ His statement was cross-referenced in the verbatim record of the 4761st meeting²⁰ and also reproduced in a letter dated 22 May 2003²¹ addressed to the President of the Council.

¹⁷ S/2003/556.

¹⁸ S/PV.4305, pp. 2-3.

¹⁹ S/PV.4762 (Resumption 1), p. 20.

²⁰ S/PV.4761, p. 2.

²¹ S/2003/567.

Part V

Adoption of resolutions and decisions without a vote

Note

Most procedural motions during the period were adopted without a vote.²²

Certain decisions of substance were also taken without a vote, as in the case of five resolutions shown in section A below. Of the remaining 232 resolutions that were adopted by a vote, 214 were adopted unanimously. A large majority of the latter consisted of texts “prepared in the course of the Council’s prior consultations”; other texts were submitted (sponsored) by one or more delegations.²³

Votes were not taken on decisions that took the form of statements by the President on behalf of the Council. Such presidential statements were issued after having been agreed upon by members of the Council during consultations. In the periods covered by previous volumes of the *Repertoire*, some statements were announced at a formal meeting of the Council, while others were simply issued in written form. In the period 2000 to 2003, all but 3 of the 151 statements were read out at a formal meeting (see section B). In the those three cases,²⁴ the President referred to the

document symbol under which the presidential statement would be issued at the meeting; however, he did not read out the text of the statement. On occasion, a presidential statement was read out immediately following the adoption of a resolution, as a complementary text.²⁵ In one instance, a presidential statement was withdrawn and reissued as a note by the President.²⁶

In other instances, Security Council decisions were recorded in notes by or letters from the President of the Council, with no reference to a vote having been taken (see sections C and D, respectively). While generally such notes and letters were simply issued in written form, the content of one note was read out by the President at a formal meeting of the Council prior to its issuance.²⁷ The contents of two letters were also agreed upon and announced at a formal meeting.²⁸

²² Exceptions were the votes on the adjournment of a meeting, on an invitation to participate and on a matter related to the conduct of business. See part II of the present chapter.

²³ On occasion, the unanimous adoption of a resolution was preceded or followed by an explanation of vote or explanations of vote by individual delegations. See for example, S/PV.4344 (with respect to resolution 1360 (2001) on the situation between Iraq and Kuwait); S/PV.4399 (with respect to resolution 1375 (2001) on the situation in Burundi); S/PV.4644 (with respect to resolution 1441 (2002) on the situation between Iraq and Kuwait); and S/PV.4840 (with respect to resolution 1510 (2003) on the situation in Afghanistan). Furthermore, at the 4644th meeting, with respect to resolution 1441 (2002) on the situation between Iraq and Kuwait, in addition to making their individual explanations of vote at the meeting, three Council members prepared a joint statement, which was annexed to a letter (S/2002/1236, letter dated 8 November 2002 from the representatives of China, France and the Russian Federation), on the interpretation of the resolution.

²⁴ S/PRST/2000/25, S/PRST/2000/28 and S/PRST/2000/29. For details, see the entries identified in the footnote in section B.

²⁵ This was the case, in accordance with the usual practice, in connection with resolutions adopted on the admission of new Members and on the extension of the mandate of the United Nations Disengagement Observer Force (UNDOF) (see S/PV.4103, S/PV.4148, S/PV.4215, S/PV.4235, S/PV.4322, S/PV.4428, S/PV.4542, S/PV.4546, S/PV.4585, S/PV.4670, S/PV.4779 and S/PV.4889). This was also the case in connection with a resolution adopted on the extension of the mandate of the United Nations Interim Force in Lebanon (UNIFIL), a resolution adopted on the International Tribunal for Rwanda and a resolution adopted on the situation in Côte d’Ivoire (see S/PV.4095, S/PV.4849 and S/PV.4857, respectively).

²⁶ S/PRST/2000/27 was withdrawn and reissued as S/2000/772 (note by the President) (see S/PRST/2000/27 and Corr.1).

²⁷ Note by the President dated 19 September 2003, reflecting the Council’s decision to adopt the annual report of the Security Council to the General Assembly (S/2003/901), read out at the 4831st meeting.

²⁸ Letter from the President dated 19 January 2001, informing the Secretary-General of the Council’s decision to extend the deadline for nominations of judges of the International Tribunal for the Former Yugoslavia until 31 January 2001 (S/2001/63), agreed upon and announced at the 4260th meeting; and letter from the President, dated 11 October 2002, informing the Secretary-General of the Council’s decision to extend the deadline for nominations of judges of the International Tribunal for Rwanda until 15 November 2002 (S/2002/1131), agreed upon and announced at the 4621st meeting.

A. Cases in which the Security Council adopted resolutions without a vote

<i>Resolution</i>	<i>Meeting and date</i>	<i>Item</i>
1326 (2000)	4215th, 31 October 2000	Admission of new Members (Federal Republic of Yugoslavia)
1358 (2001)	4337th (private), 27 June 2001	The question of the recommendation for the appointment of the Secretary-General of the United Nations
1361 (2001)	4345th, 5 July 2001	Date of election to fill a vacancy in the International Court of Justice
1414 (2002)	4542nd, 23 May 2002	Admission of new Members (Democratic Republic of Timor-Leste)
1426 (2002)	4585th, 24 July 2002	Admission of new Members (Swiss Confederation)

B. Cases in which Security Council decisions were announced in presidential statements issued after being agreed upon by the members of the Council at consultations

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2000/1	4089th, 13 January 2000	Promoting peace and security: humanitarian assistance to refugees in Africa
S/PRST/2000/2	4092nd, 26 January 2000	The situation concerning the Democratic Republic of the Congo
S/PRST/2000/3	4095th, 31 January 2000	The situation in the Middle East
S/PRST/2000/4	4100th, 9 February 2000	Protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones
S/PRST/2000/5	4101st, 10 February 2000	The situation in the Central African Republic
S/PRST/2000/6	4103rd, 17 February 2000	Admission of new Members (Tuvalu)
S/PRST/2000/7	4110th, 9 March 2000	Maintaining peace and security: humanitarian aspects of issues before the Security Council
S/PRST/2000/8	4112th, 15 March 2000	The question concerning Haiti
S/PRST/2000/9	4116th, 21 March 2000	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/2000/10	4119th, 23 March 2000	Maintenance of peace and security and post-conflict peacebuilding
S/PRST/2000/11	4122nd, 29 March 2000	The situation in Guinea-Bissau

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2000/12	4125th, 7 April 2000	The situation in Afghanistan
S/PRST/2000/13	4131st, 20 April 2000	The situation in the Middle East
S/PRST/2000/14	4134th, 4 May 2000	The situation in Sierra Leone
S/PRST/2000/15	4135th, 5 May 2000	The situation concerning the Democratic Republic of the Congo
S/PRST/2000/16	4137th, 11 May 2000	The situation in Georgia
S/PRST/2000/17	4141st, 12 May 2000	The situation in Tajikistan and along the Tajik-Afghan border
S/PRST/2000/18	4146th, 23 May 2000	The situation in the Middle East
S/PRST/2000/19	4148th, 31 May 2000	The situation in the Middle East
S/PRST/2000/20	4151st, 2 June 2000	The situation concerning the Democratic Republic of the Congo
S/PRST/2000/21	4160th, 18 June 2000	The situation in the Middle East
S/PRST/2000/22	4167th, 29 June 2000	The situation in Somalia
S/PRST/2000/23	4169th, 13 July 2000	The situation in Bosnia and Herzegovina
S/PRST/2000/24	4173rd, 17 July 2000	The situation in Sierra Leone
S/PRST/2000/25 ^a	4174th, 20 July 2000	Role of the Security Council in the prevention of armed conflicts
S/PRST/2000/26	4182nd, 3 August 2000	The situation in East Timor
S/PRST/2000/28 ^a	4194th, 7 September 2000	Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa
S/PRST/2000/29 ^a	4201st, 29 September 2000	The situation in Burundi
S/PRST/2000/30	4215th, 31 October 2000	Admission of new Members (Federal Republic of Yugoslavia)
S/PRST/2000/31	4216th, 3 November 2000	The situation in Sierra Leone
S/PRST/2000/32	4221st, 14 November 2000	The situation in Georgia
S/PRST/2000/33	4224th, 16 November 2000	Letter dated 10 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Solomon Islands to the United Nations addressed to the President of the Security Council
S/PRST/2000/34	4230th, 21 November 2000	The situation between Eritrea and Ethiopia

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2000/35	4232nd, 22 November 2000	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2000/36	4235th, 27 November 2000	The situation in the Middle East
S/PRST/2000/37	4239th, 29 November 2000	The situation in Guinea-Bissau
S/PRST/2000/38	4243rd, 6 December 2000	The responsibility of the Security Council in the maintenance of international peace and security
S/PRST/2000/39	4244th, 6 December 2000	The situation in East Timor
S/PRST/2000/40	4250th, 19 December 2000	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2000/41	4252nd, 21 December 2000	The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone
S/PRST/2001/1	4255th, 11 January 2001	The situation in Somalia
S/PRST/2001/2	4262nd, 23 January 2001	The situation in the Central African Republic
S/PRST/2001/3	4270th, 31 January 2001	Strengthening cooperation with troop-contributing countries
S/PRST/2001/4	4275th, 9 February 2001	The situation between Eritrea and Ethiopia
S/PRST/2001/5	4278th, 20 February 2001	Peacebuilding: towards a comprehensive approach
S/PRST/2001/6	4285th, 2 March 2001	The situation in Burundi
S/PRST/2001/7	4290th, 7 March 2001	Letter dated 4 March 2001 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the President of the Security Council
S/PRST/2001/8	4298th, 16 March 2001	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2001/9	4300th, 21 March 2001	The situation in Georgia
S/PRST/2001/10	4302nd, 22 March 2001	Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa
S/PRST/2001/11	4304th, 22 March 2001	The situation in Bosnia and Herzegovina
S/PRST/2001/12	4314th, 24 April 2001	The situation in Georgia
S/PRST/2001/13	4318th, 3 May 2001	The situation concerning the Democratic Republic of the Congo
S/PRST/2001/14	4320th, 15 May 2001	The situation between Eritrea and Ethiopia
S/PRST/2001/15	4322nd, 30 May 2001	The situation in the Middle East

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2001/16	4339th, 28 June 2001	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations
S/PRST/2001/17	4341st, 29 June 2001	The situation in Burundi
S/PRST/2001/18	4347th, 17 July 2001	The situation in the Central African Republic
S/PRST/2001/19	4349th, 24 July 2001	The situation concerning the Democratic Republic of the Congo
S/PRST/2001/20	4356th, 13 August 2001	The situation in the former Yugoslav Republic of Macedonia
S/PRST/2001/21	4362nd, 31 August 2001	Small arms
S/PRST/2001/22	4365th, 5 September 2001	The situation concerning the Democratic Republic of the Congo
S/PRST/2001/23	4368th, 10 September 2001	The situation in East Timor
S/PRST/2001/24	4377th, 20 September 2001	The situation in Angola
S/PRST/2001/25	4382nd, 26 September 2001	The situation in the Central African Republic
S/PRST/2001/26	4383rd, 26 September 2001	The situation in Burundi
S/PRST/2001/27	4388th, 5 October 2001	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2001/28	4390th, 12 October 2001	Nobel Peace Prize
S/PRST/2001/29	4396th, 24 October 2001	The situation concerning the Democratic Republic of the Congo
S/PRST/2001/30	4401st, 31 October 2001	The situation in Somalia
S/PRST/2001/31	4402nd, 31 October 2001	Women and peace and security
S/PRST/2001/32	4404th, 31 October 2001	The situation in East Timor
S/PRST/2001/33	4408th, 8 November 2001	The situation in Burundi
S/PRST/2001/34	4409th, 9 November 2001	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2001/35	4417th, 15 November 2001	The situation in Burundi
S/PRST/2001/36	4419th, 15 November 2001	The situation in Angola
S/PRST/2001/37	4428th, 27 November 2001	The situation in the Middle East
S/PRST/2001/38	4440th, 19 December 2001	Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2001/39	4441st, 19 December 2001	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/1	4450th, 16 January 2002	The situation between Eritrea and Ethiopia
S/PRST/2002/2	4465th, 31 January 2002	The situation in Africa
S/PRST/2002/3	4471st, 7 February 2002	The situation in Burundi
S/PRST/2002/4	4473rd, 13 February 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2002/5	4476th, 25 February 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/6	4493rd, 15 March 2002	Protection of civilians in armed conflict
S/PRST/2002/7	4499th, 28 March 2002	The situation in Angola
S/PRST/2002/8	4502nd, 28 March 2002	The situation in Somalia
S/PRST/2002/9	4511th, 10 April 2002	The situation in the Middle East, including the Palestinian question
S/PRST/2002/10	4513th, 15 April 2002	Threats to international peace and security caused by terrorist acts
S/PRST/2002/11	4519th, 24 April 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2002/12	4528th, 7 May 2002	Children and armed conflict
S/PRST/2002/13	4537th, 20 May 2002	The situation in East Timor
S/PRST/2002/14	4539th, 22 May 2002	The situation in Sierra Leone
S/PRST/2002/15	4542nd, 23 May 2002	Admission of new Members (Democratic Republic of Timor-Leste)
S/PRST/2002/16	4543rd, 24 May 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2002/17	4544th, 24 May 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/18	4546th, 30 May 2002	The situation in the Middle East
S/PRST/2002/19	4548th, 5 June 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/20	4578th, 18 July 2002	The situation in the Middle East, including the Palestinian question

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2002/21	4582nd, 23 July 2002	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
S/PRST/2002/22	4583rd, 23 July 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/23	4585th, 24 July 2002	Admission of new Members (Swiss Confederation)
S/PRST/2002/24	4602nd, 15 August 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/25	4607th, 11 September 2002	High-level meeting of the Security Council on the anniversary of 11 September 2001: acts of international terrorism
S/PRST/2002/26	4619th, 8 October 2002	Threats to international peace and security caused by terrorist acts
S/PRST/2002/27	4626th, 18 October 2002	The situation concerning the Democratic Republic of the Congo
S/PRST/2002/28	4627th, 18 October 2002	The situation in the Central African Republic
S/PRST/2002/29	4633rd, 24 October 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2002/30	4639th, 31 October 2002	Small arms
S/PRST/2002/31	4640th, 31 October 2002	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security
S/PRST/2002/32	4641st, 31 October 2002	Women and peace and security
S/PRST/2002/33	4661st, 12 December 2002	The situation in Bosnia and Herzegovina
S/PRST/2002/34	4662nd, 12 December 2002	The situation in Croatia
S/PRST/2002/35	4663rd, 12 December 2002	The situation in Somalia
S/PRST/2002/36	4665th, 13 December 2002	The situation in Liberia
S/PRST/2002/37	4670th, 17 December 2002	The situation in the Middle East
S/PRST/2002/38	4672nd, 17 December 2002	Threats to international peace and security caused by terrorist acts
S/PRST/2002/39	4674th, 18 December 2002	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
		International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994
S/PRST/2002/40	4675th, 18 December 2002	The situation in Burundi
S/PRST/2002/41	4679th, 20 December 2002	Protection of civilians in armed conflict
S/PRST/2002/42	4680th, 20 December 2003	The situation in Côte d'Ivoire
S/PRST/2003/1	4703rd, 6 February 2003	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2003/2	4718th, 12 March 2003	The situation in Somalia
S/PRST/2003/3	4734th, 4 April 2003	Threats to international peace and security caused by terrorist acts
S/PRST/2003/4	4749th, 2 May 2003	The situation in Burundi
S/PRST/2003/5	4753rd, 13 May 2003	The role of the Security Council in the pacific settlement of disputes
S/PRST/2003/6	4756th, 16 May 2003	The situation concerning the Democratic Republic of the Congo
S/PRST/2003/7	4774th, 17 June 2003	The situation in Afghanistan
S/PRST/2003/8	4776th, 19 June 2003	The situation in Guinea-Bissau
S/PRST/2003/9	4779th, 26 June 2003	The situation in the Middle East
S/PRST/2003/10	4787th, 17 July 2003	The situation between Eritrea and Ethiopia
S/PRST/2003/11	4793rd, 25 July 2003	The situation in Côte d'Ivoire
S/PRST/2003/12	4794th, 25 July 2003	Security Council mission
S/PRST/2003/13	4811th, 20 August 2003	Threats to international peace and security caused by terrorist acts
S/PRST/2003/14	4815th, 27 August 2003	The situation in Liberia
S/PRST/2003/15	4833rd, 24 September 2003	Justice and the rule of law: the United Nations role
S/PRST/2003/16	4839th, 10 October 2003	Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

<i>Statement by the President</i>	<i>Meeting and date</i>	<i>Item</i>
S/PRST/2003/17	4845th, 16 October 2003	Threats to international peace and security caused by terrorist acts
S/PRST/2003/18	4849th, 27 October 2003	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994
S/PRST/2003/19	4856th, 11 November 2003	The situation in Somalia
S/PRST/2003/20	4857th, 13 November 2003	The situation in Côte d'Ivoire
S/PRST/2003/21	4863rd, 19 November 2003	The situation concerning the Democratic Republic of the Congo
S/PRST/2003/22	4864th, 19 November 2003	The importance of mine action for peacekeeping operations
S/PRST/2003/23	4865th, 20 November 2003	The situation in the Great Lakes region
S/PRST/2003/24	4868th, 20 November 2003	The situation between Iraq and Kuwait
S/PRST/2003/25	4875th, 4 December 2003	The situation in Côte d'Ivoire
S/PRST/2003/26	4880th, 12 December 2003	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/PRST/2003/27	4882nd, 15 December 2003	Protection of civilians in armed conflict
S/PRST/2003/28	4887th, 18 December 2003	The situation between Iraq and Kuwait
S/PRST/2003/29	4889th, 22 December 2003	The situation in the Middle East
S/PRST/2003/30	4891st, 22 December 2003	The situation in Burundi

^a Statements not read out at a formal meeting.

C. Cases in which Security Council decisions were recorded in notes by the President of the Security Council

<i>Note by the President</i>	<i>Date</i>	<i>Subject</i>
S/2000/27	17 January 2000	Election of chairpersons and vice-chairpersons of sanctions committees
S/2000/155	28 February 2000	Security Council working methods and procedure
S/2000/274	31 March 2000	Security Council working methods and procedure
S/2000/319	17 April 2000	General issues relating to sanctions

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<i>Note by the President</i>	<i>Date</i>	<i>Subject</i>
S/2000/684	13 July 2000	Election of chairmen and vice-chairmen of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda and the Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia
S/2000/772	9 August 2000	Ensuring an effective role of the Security Council in the maintenance of international peace and security, particularly in Africa
S/2000/839	31 August 2000	Consideration of the draft report of the Security Council to the General Assembly
S/2001/10	5 January 2001	Election of the chairpersons and vice-chairpersons of sanctions committees
S/2001/135	14 February 2001	Selection of the Chairman of the Working Group of the Security Council on United Nations Peacekeeping Operations
S/2001/215	12 March 2001	Election of the chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia
S/2001/363	18 April 2001	The situation in Angola
S/2001/564	6 June 2001	Election of the chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia
S/2001/640	29 June 2001	Security Council documentation and related matters
S/2001/876	18 September 2001	Consideration of the draft report of the Security Council to the General Assembly
S/2001/905	25 September 2001	No exit without strategy
S/2001/935	4 October 2001	Election of the chairperson and vice-chairpersons of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
S/2001/1130	29 November 2001	Election of the chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone
S/2002/21	4 January 2002	Election of chairpersons and vice-chairpersons of sanctions committees
S/2002/22	4 January 2002	Selection of the Chairman of the Working Group of the Security Council on United Nations Peacekeeping Operations
S/2002/56	14 January 2002	Security Council Working Group on Peacekeeping Operations
S/2002/70	15 January 2002	Selection of the Chairman of the informal working group on general issues relating to sanctions

<i>Note by the President</i>	<i>Date</i>	<i>Subject</i>
S/2002/74	11 January 2002	The situation in Afghanistan
S/2002/124	28 January 2002	Election of the chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone
S/2002/199	22 May 2002	Consideration of the draft report of the Security Council to the General Assembly
S/2002/207	1 March 2002	Terms of reference for the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa
S/2002/316	26 March 2002	Security Council working methods and procedures
S/2002/591	29 May 2002	Security Council working methods and procedures
S/2002/597	30 May 2002	Statement by the President of the Security Council in commemoration of Africa Day
S/2002/607	31 May 2002	The situation in Africa
S/2002/964	27 August 2002	Security Council working methods and procedure
S/2002/1068	26 September 2002	Consideration of the draft report of the Security Council to the General Assembly
S/2002/1276	22 November 2002	Security Council working methods and procedure
S/2002/1352	12 December 2002	Ad hoc Working Group on Conflict Prevention and Resolution in Africa
S/2003/10	7 January 2003	Election of the chairpersons and vice-chairpersons of sanctions committees
S/2003/11	7 January 2003	Selection of the Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa
S/2003/12	7 January 2003	Selection of the Chairman of the Security Council Working Group on Peacekeeping Operations
S/2003/30	8 January 2003	Election of the chairman and vice-chairmen of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
S/2003/235	28 February 2003	Selection of the Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa
S/2003/337	18 March 2003	Humanitarian situation in Iraq
S/2003/340	24 March 2003	Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo
S/2003/660	19 June 2003	Election of the chairman of the Security Council Committee established pursuant to resolution 1267 (1999)

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<i>Note by the President</i>	<i>Date</i>	<i>Subject</i>
S/2003/901	19 September 2003	Draft report of the Security Council to the General Assembly
S/2003/935	3 October 2003	Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism
S/2003/1183	18 December 2003	Ad hoc Working Group on Conflict Prevention and Resolution in Africa
S/2003/1184	18 December 2003	Security Council Working Group on Peacekeeping Operations
S/2003/1185	18 December 2003	Informal working group on general issues relating to sanctions
S/2003/1188	22 December 2003	Ad hoc Working Group on Conflict Prevention and Resolution in Africa

D. Cases in which Security Council decisions were recorded in letters from the President of the Security Council

<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2000/16	12 January 2000	The situation in Georgia
S/2000/21	14 January 2000	The situation in Afghanistan
S/2000/61	27 January 2000	The situation between Iraq and Kuwait
S/2000/63	28 January 2000	The situation in East Timor
S/2000/64	28 January 2000	The situation between Iraq and Kuwait
S/2000/75	31 January 2000	The situation in Africa
S/2000/113	14 February 2000	The situation between Iraq and Kuwait
S/2000/118	14 February 2000	The situation in Bosnia and Herzegovina
S/2000/137	18 February 2000	The situation in East Timor
S/2000/167	1 March 2000	The situation between Iraq and Kuwait
S/2000/173	2 March 2000	The situation concerning the Democratic Republic of the Congo
S/2000/189	3 March 2000	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
S/2000/202	10 March 2000	The situation in Guinea-Bissau
S/2000/224	17 March 2000	The situation in the Middle East
S/2000/264	24 March 2000	Security Council working methods and procedure
S/2000/286	5 April 2000	The situation between Iraq and Kuwait

<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2000/311	13 April 2000	The situation between Iraq and Kuwait
S/2000/320	14 April 2000	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/2000/344	24 April 2000	The situation concerning the Democratic Republic of the Congo
S/2000/359	28 April 2000	The situation in Croatia
S/2000/362	28 April 2000	The situation concerning the Democratic Republic of the Congo
S/2000/367	1 May 2000	The situation in the Central African Republic
S/2000/392	7 May 2000	The situation between Eritrea and Ethiopia
S/2000/424	11 May 2000	The situation in Burundi
S/2000/432	15 May 2000	The situation in Cyprus
S/2000/451	18 May 2000	The situation in East Timor
S/2000/519	1 June 2000	The situation in Tajikistan and along the Tajik-Afghan border
S/2000/574	14 June 2000	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/2000/599	19 June 2000	The situation in the Middle East
S/2000/651	5 July 2000	The situation in Burundi
S/2000/676	7 July 2000	The situation between Eritrea and Ethiopia
S/2000/663	10 July 2000	The situation between Iraq and Kuwait
S/2000/665	10 July 2000	The situation in the Middle East
S/2000/672	10 July 2000	The situation in East Timor
S/2000/761	2 August 2000	The situation in Angola
S/2000/779	8 August 2000	The situation in the Middle East
S/2000/797	14 August 2000	The situation concerning the Democratic Republic of the Congo
S/2000/842	31 August 2000	The situation between Eritrea and Ethiopia
S/2000/886	20 September 2000	The situation in Sierra Leone
S/2000/903	26 September 2000	The situation in Sierra Leone
S/2000/908	26 September 2000	The situation in the Great Lakes region
S/2000/910	26 September 2000	The situation between Eritrea and Ethiopia
S/2000/942	3 October 2000	The situation in Guinea-Bissau
S/2000/944	3 October 2000	The situation in the Central African Republic

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<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2000/946	3 October 2000	The situation in Liberia
S/2000/948	3 October 2000	The situation between Eritrea and Ethiopia
S/2000/960	5 October 2000	The situation between Iraq and Kuwait
S/2000/987	13 October 2000	The situation in Angola
S/2000/1019	24 October 2000	The situation between Eritrea and Ethiopia
S/2000/1030	25 October 2000	The situation in East Timor
S/2000/1061	2 November 2000	The situation in Sierra Leone
S/2000/1083	10 November 2000	The situation in Africa
S/2000/1097	15 November 2000	The situation in Burundi
S/2000/1099	15 November 2000	The situation in Burundi
S/2000/1141	30 November 2000	No exit without strategy
S/2000/1168	8 December 2000	The situation in the Middle East
S/2000/1189	14 December 2000	The situation in Cyprus
S/2000/1234	22 December 2000	The situation in Sierra Leone
S/2001/48	16 January 2001	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
S/2001/95	31 January 2001	The situation in Sierra Leone
S/2001/195	6 March 2001	Briefing by Mr. Carl Bildt, Special Envoy of the Secretary-General for the Balkans
S/2001/276	27 March 2001	The situation in Cyprus
S/2001/289	28 March 2001	The situation concerning the Democratic Republic of the Congo
S/2001/328	5 April 2001	The situation between Iraq and Kuwait
S/2001/339	6 April 2001	The situation concerning the Democratic Republic of the Congo
S/2001/387	19 April 2001	The situation in Angola
S/2001/406	24 April 2001	The situation concerning the Democratic Republic of the Congo
S/2001/408	25 April 2001	The situation in the Great Lakes region
S/2001/446	7 May 2001	The situation in Tajikistan and along the Tajik-Afghan border
S/2001/482	15 May 2001	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2001/500	18 May 2001	The situation in the Middle East
S/2001/510	22 May 2001	The situation in East Timor
S/2001/551	30 May 2001	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2001/557	5 June 2001	The situation in Cyprus
S/2001/614	21 June 2001	Protection of civilians in armed conflict
S/2001/711	18 July 2001	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/2001/722	23 July 2001	The situation in Sierra Leone
S/2001/761	2 August 2001	Meeting of the Security Council with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo pursuant to resolution 1353 (2001), annex II, section A ^a
S/2001/767	6 August 2001	Strengthening cooperation with troop-contributing countries: meetings of the Security Council with troop-contributing countries to the United Nations Interim Force in Lebanon
S/2001/782	13 August 2001	The situation in East Timor
S/2001/873	17 September 2001	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission of Observers in Prevlaka pursuant to resolution 1353 (2001), annex II, section A
S/2001/936	4 October 2001	The situation between Iraq and Kuwait
S/2001/937	4 October 2001	The situation in Afghanistan
S/2001/951	8 October 2001	The situation concerning the Democratic Republic of the Congo
S/2001/961	10 October 2001	The situation in Guinea-Bissau
S/2001/973	16 October 2001	The situation in Angola
S/2001/982	18 October 2001	The situation in Liberia
S/2001/1028	31 October 2001	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/2001/1030	31 October 2001	The situation between Iraq and Kuwait
S/2001/1032	31 October 2001	The situation in Africa

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<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2001/1042	2 November 2001	Meeting of the Security Council with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara pursuant to resolution 1353 (2001), annex II, section A
S/2001/1065	12 November 2001	The situation between Iraq and Kuwait
S/2001/1083	16 November 2001	The situation between Iraq and Kuwait
S/2001/1096	21 November 2001	The situation in the Great Lakes region
S/2001/1098	21 November 2001	The situation in Somalia
S/2001/1129	29 November 2001	Letter dated 30 April 2001 from Secretary-General addressed to the President of the Security Council
S/2001/1207	7 December 2001	The situation in Burundi
S/2001/1183	12 December 2001	The situation in Cyprus
S/2001/1185	12 December 2001	The situation in Cyprus
S/2001/1179	12 December 2001	The situation in Africa
S/2001/1181	12 December 2001	The situation in Guinea-Bissau
S/2001/1203	14 December 2001	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/2002/24	4 January 2002	The situation in Liberia
S/2002/106	23 January 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/2002/129	31 January 2002	The situation between Eritrea and Ethiopia
S/2002/157	8 February 2002	The situation in Afghanistan
S/2002/177	19 February 2002	The situation in Somalia
S/2002/285	18 March 2002	The situation in Cyprus
S/2002/295	19 March 2002	Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council
S/2002/327	28 March 2002	The situation in the Middle East
S/2002/349	4 April 2002	The situation between Iraq and Kuwait
S/2002/351	4 April 2002	The situation in East Timor
S/2002/412	12 April 2002	The situation in Angola
S/2002/430	17 April 2002	The situation in the Great Lakes region
S/2002/502	1 May 2002	The situation in Tajikistan and along the Tajik-Afghan border

<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2002/530	7 May 2002	The situation in Bosnia and Herzegovina
S/2002/594	29 May 2002	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/2002/644	7 June 2002	The situation in Georgia
S/2002/715	28 June 2002	The situation in Angola
S/2002/720	2 July 2002	The situation in Burundi
S/2002/763	12 July 2002	The situation concerning the Democratic Republic of the Congo
S/2002/767	16 July 2002	The situation concerning Western Sahara
S/2002/769	16 July 2002	The situation in Angola
S/2002/771	15 July 2002	Letter dated 15 July 2002 from the President of the Security Council addressed to the Secretary-General
S/2002/773	16 July 2002	The situation in the Great Lakes region
S/2002/840	26 July 2002	The situation in East Timor
S/2002/917	9 August 2002	The situation in Guinea-Bissau
S/2002/930	12 August 2002	The situation in the Central African Republic
S/2002/947	21 August 2002	Exchange of letters between the Secretary-General and the President of the Security Council concerning the India-Pakistan question
S/2002/1000	6 September 2002	Security Council documentation and procedure
S/2002/1027	12 September 2002	The situation in Angola
S/2002/1041	18 September 2002	The situation in Liberia
S/2002/1109	3 October 2002	The situation between Iraq and Kuwait
S/2002/1121	8 October 2002	The situation between Eritrea and Ethiopia
S/2002/1130	9 October 2002	The situation in Liberia
S/2002/1131	11 October 2002	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2002/1175	18 October 2002	The situation in the Great Lakes region
S/2002/1271	21 November 2002	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

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<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2002/1305	29 November 2002	The situation in Liberia
S/2002/1382	19 December 2002	The situation between Iraq and Kuwait
S/2002/1380	19 December 2002	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/2002/1403	20 December 2002	The situation in Cyprus
S/2003/28	9 January 2003	The situation between Iraq and Kuwait
S/2003/67	20 January 2003	The situation in Africa
S/2003/126	31 January 2003	The situation in Africa
S/2003/169	12 February 2003	The situation Côte d'Ivoire
S/2003/193	18 February 2003	The situation concerning Western Sahara
S/2003/241	3 March 2003	The situation in Cyprus
S/2003/285	7 March 2003	Communication concerning standby arrangements for peacekeeping
S/2003/382	28 March 2003	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2003/469	21 April 2003	The situation in Liberia
S/2003/504	23 April 2003	The situation in Afghanistan
S/2003/550	30 April 2003	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2003/525	5 May 2003	Security Council mission
S/2003/543	13 May 2003	The situation in Tajikistan and along the Tajik-Afghan border
S/2003/558	21 May 2003	Security Council mission
S/2003/563	22 May 2003	The situation concerning the Democratic Republic of the Congo

<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2003/604	23 May 2003	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2003/571	27 May 2003	The situation between Iraq and Kuwait
S/2003/607	3 June 2003	The situation in Côte d'Ivoire
S/2003/664	23 June 2003	The situation in Liberia
S/2003/690	2 July 2003	International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 2004
S/2003/696	10 July 2003	The situation in Liberia
S/2003/717	17 July 2003	The situation in East Timor ^b
S/2003/727	18 July 2003	The situation in the Middle East
S/2003/762	28 July 2003	Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)
S/2003/797	8 August 2003	The situation concerning Western Sahara
S/2003/831	22 August 2003	The situation between Iraq and Kuwait
S/2003/883	29 August 2003	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
S/2003/890	11 September 2003	The situation in the Central African Republic
S/2003/921	29 September 2003	The situation in Burundi
S/2003/922	30 September 2003	The situation in Afghanistan
S/2003/927	1 October 2003	The situation in Liberia
S/2003/930	1 October 2003	The situation in Afghanistan
S/2003/1052	28 October 2003	The situation in Somalia
S/2003/1055	31 October 2003	Women and peace and security
S/2003/1067	4 November 2003	The situation in the Great Lakes region

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<i>Letter</i>	<i>Date</i>	<i>Item</i>
S/2003/1088	10 November 2003	International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991
S/2003/1093	13 November 2003	The situation in Somalia
S/2003/1097	14 November 2003	The situation in Guinea-Bissau
S/2003/1109	20 November 2003	The situation between Iraq and Kuwait
S/2003/1111	20 November 2003	The situation between Iraq and Kuwait
S/2003/1139	21 November 2003	The situation in Africa
S/2003/1143	3 December 2003	The situation in Sierra Leone
S/2003/1199	23 December 2003	Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council
S/2003/1215	30 December 2003	The situation in Cyprus

^a In accordance with a note by the President of the Security Council dated 27 August 2002 (S/2002/964), the wording of the items concerning "Meeting of the Security Council with troop-contributing countries... pursuant to resolution 1353 (2001), annex II, section A" was revised to read "Meeting of the Security Council with troop-contributing countries... pursuant to resolution 1353 (2001), annex II, sections A and B".

^b As from the 4646th meeting of the Security Council, held on 14 November 2002, the item "The situation in East Timor" was revised to read "The situation in Timor-Leste".

Chapter V

Subsidiary organs of the Security Council

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Introductory note

The present chapter covers procedures of the Security Council relating to the establishment and control of subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations. The Council's power to establish subsidiary organs is set out in Article 29 of the Charter and reflected in rule 28 of its provisional rules of procedure.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Rule 28

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

During the period 2000 to 2003, the Council mandated the establishment of three new peacekeeping operations and five new political missions, and established four new committees to oversee the implementation of measures adopted pursuant to Article 41. Following the terrorist attacks on the United States on 11 September 2001, the Council further decided to establish a committee concerning counter-terrorism to monitor the measures of all States Members of the United Nations against terrorism. In addition, the Council set up four new informal and ad hoc working groups to make recommendations regarding substantive and procedural matters before it.

Part I of this chapter considers these new organs, together with those established prior to 2000 and continuing during part or all of the period under review. The organs are divided into six main categories, reflecting their main character or functions: (a) standing committees and ad hoc committees; (b) committees to oversee the implementation of measures adopted pursuant to Article 41 and other committees; (c) informal and ad hoc working groups; (d) investigative bodies; (e) peacekeeping operations and political missions; and (f) ad hoc international tribunals. Seven peacekeeping and three political missions were terminated during the period under review, as were six Security Council committees. This is reflected in part II. Part III describes two instances in which a subsidiary organ was formally proposed but not established.

Part I

Subsidiary organs of the Security Council established or continuing during the period 2000-2003

A. Standing committees and ad hoc committees

During the period from 2000 to 2003, the Committee of Experts on Rules of Procedure and the Committee on Council Meetings away from Headquarters continued to exist but did not meet. The Committee on the Admission of New Members was asked to consider the applications for admission to membership in the United Nations of four States,¹ referred to it by the Council under rule 59 of the Council's provisional rules of procedure.² The Committee of Experts established at the 1506th meeting to study the question of associate membership continued to exist but did not meet.

Other ad hoc subsidiary organs established prior to 2000 that continued to exist during the period under review included the Security Council Commission established under resolution 446 (1979), concerning the situation in the occupied Arab territories; and the Ad Hoc Committee established under Security Council resolution 507 (1982), concerning the Seychelles. There was no activity during the period under review on the part of either body.

B. Security Council Committees

Note

During the period under review, the Council established several committees to monitor the implementation of measures adopted pursuant to Chapter VII³ and extended the mandate of previously established ones. The first part of this section deals with Security Council committees monitoring specific

¹ The Democratic Republic of East-Timor, the Federal Republic of Yugoslavia, the Swiss Confederation and Tuvalu.

² The recommendations made by the Committee and the Council concerning admissions are considered in chapter VII.

³ The primary responsibility for the implementation of such measures rests with Member States.

sanctions measures. The second part deals with other Security Council Committees with a broader mandate.

Security Council committees monitoring specific sanctions measures

Between 2000 and 2003, the Security Council established four new committees to supervise the implementation of measures adopted under Chapter VII of the Charter in connection with Eritrea and Ethiopia,⁴ Liberia⁵ and Iraq.⁶ Two resolutions that newly imposed sanctions in the year 2000 contained time limit provisions, which had not been the case in the past.⁷ In addition, the Council requested the Secretary-General to establish a panel of experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo.⁸

During the same period, the Council oversaw a total of thirteen committees, including Committees that had been established in prior periods, and terminated the following seven: Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait; Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya; Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola; Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia; Security Council Committee established pursuant to resolution 1343 (2001)

⁴ Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia.

⁵ Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia; and Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia.

⁶ Security Council Committee established pursuant to resolution 1518 (2003).

⁷ Arms embargo imposed against Eritrea and Ethiopia by resolution 1298 (2000) of 17 May 2000; and diamond embargo imposed against Sierra Leone by resolution 1306 (2000) of 5 July 2000.

⁸ S/PRST/2000/20.

concerning Liberia; Security Council Committee established pursuant to resolution 1160 (1998); and Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia. In two instances, the work of a Security Council Committee extended beyond the formal expiration of its mandate.⁹

In addition, on several occasions, the Council requested the Secretary-General to establish monitoring bodies, in the form of panels or committees of experts and monitoring groups or mechanisms, in order to assist the work of committees or to look into the question of the illegal exploitation of natural resources.¹⁰ The first of these monitoring bodies was established in the year 2000.¹¹

During the period under review, the Council, acting under Chapter VII of the Charter of the United Nations of the Charter, established all committees to undertake tasks related to sanctions measures in accordance with rule 28 of the provisional rules of procedure of the Council. The tasks that committees were mandated to undertake during the period under review included the following: (a) seeking information

regarding the implementation of measures imposed under Article 41; (b) considering information concerning the violations of the measures and recommending appropriate measures in response thereto; (c) reporting to the Council on the information regarding alleged violations; (d) giving consideration to and deciding upon requests for exemptions from the measures; (e) examining reports submitted to them, including those from monitoring bodies; (f) identifying individuals and entities subject to the measures and maintaining a corresponding list; and (g) making recommendations to the Council as to how to improve the effectiveness of the measures.

The Committees consisted of all fifteen members of the Council. They held their meetings in private sessions, unless the Committee itself decided otherwise, and reached their decisions by consensus. The Bureaux of the Committees were elected by the Council annually and announced through notes by the President of the Council.¹²

In accordance with the transparency measures outlined by the President of the Council in his note of 29 March 1995,¹³ Committees continued to submit their annual reports to the Council. In addition, since 2002, the Council has held public meetings in which it heard briefings by Chairpersons of several Committees on their activities.¹⁴ In some instances, the Council

⁹ In the first instance, after the arms embargo against Eritrea and Ethiopia expired on 16 May 2001, pursuant to S/PRST/2001/14, owing to a possible violation, which had occurred while the embargo was still in effect, the former Chairman of the Committee was authorized by a letter from the President of the Council (not published) to continue to work with the former members of the Committee to conclude the work on the outstanding case and report thereon (report not published). In the second instance, after dissolving Security Council Committee established pursuant to resolution 1160 (1998), the former Chairperson submitted, upon request by the President of the Council (S/2001/931), a report covering major activities of the Committee from 1 January to 10 September 2001.

¹⁰ Monitoring bodies were established in connection with the measures imposed against Liberia, Sierra Leone and Somalia; against the União Nacional para a Independência Total de Angola (UNITA); and against Al-Qaida and the Taliban and associated individuals and entities. In the case of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, no measures against the Democratic Republic of the Congo were imposed at the establishment of the Panel, nor did a Council committee concerning that country exist.

¹¹ By resolution 1295 (2000) of 18 April 2000, the Council established a monitoring mechanism for the implementation of sanctions against UNITA.

¹² For the bureaux of the committees during the period under review, see S/2000/27, S/2000/684, S/2001/10, S/2001/215, S/2001/564, S/2002/21, S/2002/124 and S/2003/10.

¹³ S/1995/234.

¹⁴ At the 4673rd meeting on 18 December 2002: briefings by the Chairpersons of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, the Security Council Committee established pursuant to resolution 1267 (1999), and the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia; and at the 4888th meeting on 22 December 2003: briefings by Chairpersons of the Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait, the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda and the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone.

decided to send a mission of a given Committee to the relevant region to demonstrate the Council's determination to give full effect to the measures imposed. In addition, in April 2000, the Council established, with a view to improving the effectiveness of United Nations sanctions, the Informal Working Group on General Issues of Sanctions.¹⁵

In this section, all thirteen Security Council Committees are dealt with in the order of their establishment, while interlinked Committees are dealt with jointly. Monitoring bodies whose work is closely linked with that of the Committees are featured with the relevant Committees under the subheading of "Monitoring". For clarification purposes only and when required, summarized descriptions of the mandatory measures, based on their nature, are added, including, for example, such measures as an arms embargo, a freeze on assets, travel restrictions, a ban on the import of diamonds, a petroleum embargo, restriction of air traffic, restrictions on diplomatic representation, and prohibitions on round logs and timber products. The above-mentioned descriptions are not intended to serve as legal definitions of measures. The measures imposed by the Council pursuant to Article 41 are described in chapter XI of this volume.

1. Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait

The Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait continued to exercise its responsibility for monitoring the measures imposed by resolution 687 (1991), and for supervising the implementation of the oil-for-food programme¹⁶ established by resolution 986 (1995).

Mandate implementation

During the period under review, the oil-for-food programme was continuously renewed by a series of

¹⁵ For details of the mandate of the Working Group, see section C, and the Statement by the Chairman of the Working Group (S/2003/1197), in which he reported on their work during the period 2002-2003.

¹⁶ Under the oil-for-food programme, revenues generated from oil sales could be used to fund humanitarian and certain other expenses incurred in connection with Iraq.

resolutions.¹⁷ By resolution 1409 (2002) of 14 May 2002, the Council significantly changed the modalities of the oil-for-food programme, easing the supply of humanitarian goods to Iraq, while strengthening control over dual-use items. By resolution 1472 (2003) of 28 March 2003, the Council recognized that, in view of the exceptional military and security circumstances which prevailed in Iraq at that time, technical and temporary adjustments should be made to the oil-for-food programme so as to ensure the continued provision of humanitarian relief in Iraq and directed the Committee to closely monitor the implementation of some of the main provisions of that resolution.¹⁸ Those measures were extended by resolution 1476 (2003) of 24 April 2003 and resolution 1483 (2003) of 22 May 2003. By resolution 1483 (2003), the Council decided that the Committee would identify the individuals and entities affiliated with the previous Government of Iraq and the former Iraq regime, whose funds or other financial assets or economic resources Member States were obligated to freeze pursuant to that resolution.¹⁹

Monitoring and reporting

The Committee submitted four annual reports on its activities²⁰ during the period under review, including a report on the implementation of resolution 986 (1995) and humanitarian exemptions under resolution 661 (1990). The Committee also submitted a number of reports²¹ at 90-day intervals on the implementation of the embargo imposed against Iraq by the relevant resolutions, and reported to the Council on seven occasions²² on the implementation of the oil-for-food programme.

Termination of mandate

By resolution 1483 (2003) of 22 May 2003, the Council lifted the comprehensive measures against

¹⁷ Resolutions 1302 (2000), 1330 (2000), 1352 (2001), 1360 (2001), 1382 (2001), 1409 (2002), 1443 (2002), 1447 (2002), 1454 (2002) and 1483 (2003).

¹⁸ Resolution 1472 (2003), para. 9.

¹⁹ Resolution 1483 (2003), para. 23.

²⁰ S/2000/133, S/2001/738, S/2002/647 and S/2003/300.

²¹ S/2000/72, S/2000/365, S/2000/748, S/2000/1033, S/2001/72, S/2001/400, S/2001/721, S/2001/1003, S/2002/84, S/2002/476, S/2002/802, S/2002/1167, S/2003/61, S/2003/507, S/2003/714 and S/2003/1032.

²² S/2000/242, S/2000/536, S/2001/321, S/2001/842, S/2001/1341, S/2002/1261 and S/2003/331.

Iraq, keeping in place only the arms embargo, and terminated the mandate of the Committee effective 21 November 2003.

2. Security Council Committee established pursuant to resolution 1518 (2003)

Establishment and mandate

By resolution 1518 (2003) of 24 November 2003, the Security Council established a Committee to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2003), individuals and entities referred to in paragraph 19 of that resolution,²³ including by updating the list of individuals and entities identified by the Committee established by resolution 661 (1990), and to report on its work to the Council. By that resolution, the Council further decided to adopt the guidelines and definitions for the Committee's work, previously agreed by the Committee established pursuant to resolution 661 (1990), while permitting the Committee to amend those guidelines and definitions in the light of further considerations. The Council also decided to keep the mandate of the Committee under review and to consider the possible authorization of the additional task of observing Member States' fulfilment of their obligations under resolution 1483 (2000).²⁴

3. Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

Mandate implementation Monitoring and reporting

The Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya did not meet during the period under review, nor did it submit any reports to the Council.

Termination of mandate

By resolution 1506 (2003) of 12 September 2003, the Council decided to lift, with immediate effect, the

²³ The Committee was established as the successor body to the Security Council Committee established pursuant to resolution 661 (1990) concerning Iraq and Kuwait. It was mandated to continue to identify senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled by them or by persons acting on their behalf.

²⁴ Resolution 1518 (2003), para. 3.

measures imposed by resolutions 748 (1992) and 883 (1993)²⁵ and dissolved the Committee.

4. Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia

During the period under review, the Committee established pursuant to resolution 751 (1992) concerning Somalia continued to monitor the arms embargo imposed by resolution 733 (1992).

Mandate implementation

By resolution 1356 (2001) of 19 June 2001, the Council requested the Committee to give consideration to and decide upon requests for exemptions to the arms embargo imposed by resolution 733 (1992).²⁶

By resolution 1474 (2003) of 8 April 2003, the Council decided to send a mission of the Committee to the region, led by its Chairman, to demonstrate the Council's determination to give full effect to the arms embargo.²⁷ The mission visited the region between 11 and 21 November 2003.²⁸

Monitoring and reporting

The Committee submitted four annual reports²⁹ covering the period under review, which, inter alia, dealt with its activities as well as those of the panels of experts. In particular, the Committee reported that, while in the past it had relied on the cooperation of States and organizations in a position to provide information on violations of the arms embargo, its level of activities and engagement increased markedly in 2002 and 2003, mainly as a result of the increased attention given to the arms embargo against Somalia by the Council, the Council's decision to establish a panel

²⁵ Resolution 1506 (2003), para. 1.

²⁶ Resolution 1356 (2001), paras. 2-4.

²⁷ By a presidential statement of 11 November 2003 (S/PRST/2003/19), the Council welcomed the forthcoming mission of the Committee established pursuant to resolution 751 (1992) to Somalia and States in the region from 11 to 21 November 2003 as a step towards giving full effect to the arms embargo and called on relevant States and organizations to cooperate with the mission.

²⁸ S/2003/1216, para. 14.

²⁹ S/2000/1226, S/2001/1259, S/2002/1430 and S/2003/1216.

of experts and later a monitoring group, and the Committee's mission to the region.³⁰

By resolution 1425 (2002) of 22 July 2002, the Council requested the Secretary-General to establish a panel of experts consisting of three members to be based in Nairobi for a period of six months, to generate independent information on violations of the arms embargo and as a step towards giving effect to and strengthening the embargo.³¹ Pursuant to that resolution, the Secretary-General established a three-member panel on 22 August 2002.³² By a letter dated 25 March 2003 addressed to the President,³³ the Chairman of the Committee transmitted the report of the Panel of Experts on Somalia. By resolution 1474 (2003) of 8 April 2003, the Council decided to re-establish the Panel of Experts for a period of six months to further investigate violations of the arms embargo.³⁴ The Secretary-General appointed four members of the Panel of Experts on 30 April 2003.³⁵ Its report³⁶ of 4 November 2003 was transmitted to the Council through the Committee.

By resolution 1519 (2003) of 16 December 2003, the Council requested the Secretary-General to establish a monitoring group, composed of up to four experts, for a period of six months, to be based in Nairobi, with a mandate focused on the ongoing arms embargo violations, including transfers of ammunition, single use weapons and small arms.³⁷

³⁰ S/2002/1430, para. 20, and S/2003/1216, para. 21.

³¹ Prior to the establishment of the Panel, by resolution 1407 (2002) of 3 May 2002, the Council requested the Secretary-General to establish a two-member team of experts, for a period of 30 days, in preparation for a panel of experts, to provide the Committee with an action plan detailing the resources and expertise that the panel of experts would require to be able to generate independent information on violations and for improving the enforcement of the weapons and military equipment embargo established by paragraph 5 of resolution 733 (1992). The report of the team of experts (S/2002/722) was transmitted to the Council on 3 July 2002.

³² S/2002/951.

³³ S/2003/223.

³⁴ For details of the Panel's mandate, see resolution 1474 (2003), para. 3.

³⁵ S/2003/515.

³⁶ S/2003/1035.

³⁷ Resolution 1519 (2003), para. 2.

5. Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

The Committee established pursuant to resolution 864 (1993) continued to fulfil, during the period under review, its mandate to monitor the measures imposed against the União Nacional para a Independência Total de Angola (UNITA) by that resolution and modified by resolutions 1127 (1997) and 1173 (1998), ranging from arms and petroleum embargoes, travel restrictions, a ban on the import of diamonds and the freezing of assets to restrictions on diplomatic representation, until its dissolution on 9 December 2002.

Mandate implementation Monitoring and reporting

The Committee submitted three annual reports³⁸ during the period under review on its activities and those of the Monitoring Mechanism, and on the implementation of resolution 1295 (2000).

The Panel of Experts established pursuant to resolution 1237 (1999)³⁹ submitted its final report⁴⁰ on 10 March 2000.

By resolution 1295 (2000) of 18 April 2000, the Council requested the Secretary-General, in consultation with the Committee, to establish a monitoring mechanism composed of up to five experts, to collect additional relevant information and investigate relevant leads relating to allegations of violations of resolutions 864 (1993), 1127 (1997) and 1173 (1998). Pursuant to that resolution, on 11 July 2000, the Secretary-General appointed five experts.⁴¹ By a series of resolutions,⁴² the Council extended the mandate of the monitoring mechanism on five more occasions for periods of two to six months. The Secretary-General reappointed the members of the monitoring mechanism accordingly.⁴³ Pursuant to the

³⁸ S/2000/1255, S/2002/243 and S/2002/1413.

³⁹ The Panel of Experts was mandated to trace violations regarding arms, petroleum, representation, travel and diamonds, as well as the movement of UNITA funds.

⁴⁰ S/2000/203.

⁴¹ S/2000/677.

⁴² Resolutions 1336 (2001), 1348 (2001), 1374 (2001), 1404 (2002) and 1439 (2002).

⁴³ Pursuant to resolution 1374 (2001), the Secretary-General appointed four experts on 24 October 2001 (S/2001/1109); pursuant to resolution 1404 (2002), by which the Council extended the Mechanism's mandate,

relevant resolutions,⁴⁴ the monitoring mechanism submitted seven reports⁴⁵ to the Council through the Committee.

Termination of mandate

By resolution 1448 (2002) of 9 December 2002, the Council, welcoming the steps taken in connection with the Angolan peace process, terminated the measures that it had imposed against UNITA⁴⁶ and dissolved the Committee.

6. Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

The Committee established pursuant to resolution 918 (1994) concerning Rwanda continued to fulfil its mandate to monitor the arms embargo that was imposed by that resolution and modified by resolution 1011 (1995).⁴⁷

Mandate implementation Monitoring and reporting

The Committee submitted, during the period under review, four annual reports.⁴⁸ In those reports, the Committee observed that it did not have any specific monitoring mechanism to ensure the effective

the Secretary-General, on 26 April 2002, reappointed the four members of the Mechanism (S/2002/487); pursuant to resolution 1439 (2002), on 25 October 2002, the Secretary-General reappointed two members (S/2002/1204).

⁴⁴ Resolutions 1295 (2000), 1336 (2001), 1348 (2001), 1374 (2001), 1404 (2002), and 1439 (2002).

⁴⁵ S/2000/1026; S/2000/1225 and Corr.1 and 2; S/2001/363; S/2001/966; S/2002/486; S/2002/1119; and S/2002/1339.

⁴⁶ Resolution 1448 (2002), para. 2.

⁴⁷ See the twelfth Supplement to the *Repertoire*, chap. V, sect. D, for additional information concerning the establishment and mandate of the Committee. While the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related materiel to the Government of Rwanda were terminated on 1 September 1996, in accordance with paragraph 8 of resolution 1011 (1995), with a view to preventing the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda, all States were required to continue to implement those restrictions on the sale or supply of such items other than to the Government of Rwanda.

⁴⁸ S/2000/1227; S/2002/49; S/2002/1406; and S/2004/134.

implementation of the arms embargo and that it relied solely on the cooperation of States and organizations in a position to provide pertinent information. The Committee further reported that no violations of the arms embargo were brought to its attention.⁴⁹

7. Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

During the period under review, the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone continued to fulfil its mandate to monitor the measures imposed under that resolution, including the arms embargo, travel restrictions and the diamond ban on the direct or indirect import of rough diamonds.⁵⁰

Mandate implementation

By resolution 1306 (2000) of 5 July 2000, the Council decided that the Committee should undertake the following tasks: (a) to seek from all States further information regarding the action taken by them with a view to implementing effectively the ban on the import of diamonds; (b) to consider information brought to its attention concerning violations of the measures, and make periodic reports to the Council on information submitted to it regarding alleged violations of the diamond ban, identifying where possible persons or entities, including vessels, reported to be engaged in such violations; (c) to promulgate such guidelines as might be necessary to facilitate the implementation of the ban; and (d) to continue its cooperation with other relevant sanctions committees, in particular those established pursuant to resolution 985 (1995) of 13 April 1995 concerning the situation in Liberia and resolution 864 (1993) of 15 September 1993 concerning the situation in Angola.

By resolution 1306 (2000), the Council also requested the Committee (a) to hold an exploratory hearing in New York no later than 31 July 2000 to assess the role of diamonds in the Sierra Leone conflict and the link between trade in Sierra Leone diamonds and trade in arms and related materiel in violation of resolution 1171 (1998) and report on the hearing to the

⁴⁹ S/2000/1227, para. 5; S/2002/49, para. 5; S/2002/1406, para. 7; S/2004/134, para. 6.

⁵⁰ The ban, which was renewed by resolution 1446 (2002), expired on 4 June 2003.

Council; (b) to strengthen existing contacts with regional organizations, in particular the Economic Community of West African States (ECOWAS), the Organization of African Unity (OAU) and international organizations, including Interpol, with a view to identifying ways to improve effective implementation of the measures prohibiting the sale and supply of arms and materiel imposed by resolution 1171 (1998);⁵¹ and (c) to make information it considered relevant publicly available through appropriate media.⁵² By the same resolution, the Council requested the Government of Sierra Leone to notify the Committee of the details of a Certificate of Origin regime when it was fully in operation.⁵³ By a letter dated 30 March 2001 addressed to the President of the Council,⁵⁴ the Chairman of the Committee informed the Council that the new certificate of origin for the trade in Sierra Leone diamonds was effectively in operation.

Monitoring and reporting

The Committee submitted to the Council four annual reports⁵⁵ during the period under review on its activities, including its exploratory hearing, and on violations and alleged violations of the sanctions regime. In accordance with paragraph 4 of resolution 1171 (1998), the Committee reported regularly to the Council on notifications it had received concerning the movement of arms and related materiel into Sierra Leone.⁵⁶ In its annual reports during the period under review, the Committee continued to urge all States and organizations in a position to provide it with pertinent information to do so, in the absence of a specific monitoring mechanism to ensure the effective implementation of the sanctions regime.⁵⁷

In addition to the above-mentioned measures, by resolution 1306 (2000), the Council requested the Secretary-General, in consultation with the Committee, to establish a five-member panel of experts for an initial period of four months. The Panel of Experts

was, *inter alia*, to collect information on possible violations of the arms embargo imposed by resolution 1171 (1998) and the link between trade in diamonds and trade in arms and related materiel and to consider the adequacy of air traffic control systems in the region.⁵⁸ The Secretary-General established the Panel of Experts on 2 August 2000.⁵⁹ The report of the Panel of Experts was transmitted to the Council, through the Committee, in a note by the President dated 20 December 2000.⁶⁰

8. Security Council Committee established pursuant to resolution 1160 (1998)

The Committee established pursuant to resolution 1160 (1998) continued to fulfil its mandate to monitor the implementation of the arms embargo imposed by that resolution against the Federal Republic of Yugoslavia, including Kosovo.

Mandate implementation Monitoring and reporting

The Committee submitted two reports⁶¹ to the Council during the period under review, touching upon, *inter alia*, the status of the implementation of resolution 1160 (1998), cooperation with regional organizations, violations and allegations of violations. In particular, in the report covering its work in 2000, the Committee observed that the work continued to be affected by the absence of an effective comprehensive monitoring mechanism to ensure the effective implementation of the arms embargo and other prohibitions and by the lack of information on possible violations, and that the limited information provided by the Secretariat, from public sources on possible violations, had not allowed it to discharge its mandate fully.⁶²

Termination of mandate

The Secretary-General, in a letter dated 6 September 2001, addressed to the President of the Council,⁶³ informed the Council that he believed that the Federal Republic of Yugoslavia had complied with the provisions of resolution 1160 (1998) and that,

⁵¹ Resolution 1306 (2000), para. 22.

⁵² *Ibid.*, para. 23.

⁵³ *Ibid.*, para. 4.

⁵⁴ S/2001/300.

⁵⁵ S/2000/1238, S/2002/50, S/2002/1414 and S/2004/166.

⁵⁶ S/2000/659, S/2000/660, S/2000/730, S/2000/739, S/2000/1127, S/2001/105, S/2001/126, S/2001/261, S/2001/492, S/2001/493, S/2001/664, S/2001/718 and S/2002/498.

⁵⁷ S/2000/1238, para. 26; S/2002/50, para. 20; S/2002/1414, para. 24; and S/2004/166, para. 20.

⁵⁸ For a full description of the mandate of the Panel of Experts, see resolution 1306 (2000), para. 19.

⁵⁹ S/2000/756.

⁶⁰ S/2000/1195.

⁶¹ S/2001/102 (2001) and S/2001/931.

⁶² S/2001/102, para. 17.

⁶³ S/2001/849.

therefore, the Council might wish to reconsider the prohibitions imposed by that resolution. By resolution 1367 (2001) of 10 September 2001, the Council, noting with satisfaction that the conditions listed in paragraph 16 of resolution 1160 (1998) had been satisfied, decided to terminate the prohibitions established by paragraph 8 of resolution 1160 (1998) and dissolve the Committee.

9. Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

The Committee established pursuant to resolution 1267 (1999) continued to fulfil its mandate to monitor the implementation of the measures imposed against Al-Qaida and the Taliban and associated individuals and entities.⁶⁴

Mandate implementation

By resolution 1333 (2000) of 19 December 2000, the Council decided to impose an arms embargo, and restrictions on diplomatic representation. By that resolution, the Committee was requested to fulfil its mandate by undertaking the following tasks in addition to those set out in resolution 1267 (1999): (a) to establish and maintain updated lists based on information provided by States, regional, and international organizations of all points of entry and landing areas for aircraft within the territory of Afghanistan under control by the Taliban and to notify Member States of the contents of such lists; (b) to establish and maintain updated lists, based on information provided by States and regional organizations, of individuals and entities designated as being associated with Osama bin Laden, in accordance with the provision in the resolution; (c) to give consideration to, and decide upon, requests for the exceptions set out in the resolution; (d) to establish and maintain an updated list of approved organizations and governmental relief agencies, which were providing humanitarian assistance to Afghanistan, in accordance

⁶⁴ On 2 September 2003, the Committee changed its name from “Security Council Committee established pursuant to resolution 1267 (1999)” to “Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities” (see S/2004/281, para. 9).

with the resolution; (e) to make relevant information regarding implementation of those measures publicly available through appropriate media; (f) to consider, where and when appropriate, a visit to countries in the region by the Chairman of the Committee and such other members as might be required to enhance the full and effective implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000) with a view to urging States to comply with relevant Council resolutions; and (g) to make periodic reports to the Council on information submitted to it regarding this resolution and resolution 1267 (1999), including possible violations of the measures reported to the Committee and recommendations for strengthening the effectiveness of those measures.⁶⁵

By resolution 1455 (2003) of 17 January 2003, the Council requested the following: (a) that the Chairman of the Committee report orally to the Council at least every 90 days on the overall work of the Committee and the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001); (b) that the Committee consider a visit to selected countries by the Chairman of the Committee and/or its members to enhance the full and effective implementation of the measures, with a view to encouraging States to implement all relevant Council resolutions; (c) that the Committee provide the Council by 1 August 2003 and by 15 December 2003 with detailed oral assessments of Member State implementation of the measures imposed by the same resolution, with a view to recommending further measures for Council consideration to improve the measures; and (d) that the Committee prepare and then circulate a written assessment to the Council of actions taken by States to implement the measures imposed by the same resolution.⁶⁶

Monitoring and reporting

The Committee submitted three annual reports⁶⁷ covering the period under review, which informed the Council of activities of the Committee, the Committee of Experts established pursuant to resolution 1333 (2000), and the Monitoring Group, as well as responses from Member States on their implementation of

⁶⁵ Resolution 1333 (2000), paras. 5, 6, 7, 8 (c), 11, 12 and 16.

⁶⁶ Resolution 1455 (2003), paras. 1, 9, 11, 14 and 15.

⁶⁷ S/2000/1254, S/2002/101 and S/2002/1423.

resolutions 1267 (1999) and 1333 (2000), and humanitarian implications of the measures.

By resolution 1333 (2000), the Council requested the Secretary-General to appoint a committee of experts, for a period of 60 days, to make recommendations to it regarding possible means for monitoring the arms embargo and the closure of terrorist training camps demanded by that resolution.⁶⁸ Pursuant to that resolution, the Secretary-General established the five-member Committee of Experts on 8 March 2001.⁶⁹ The Committee of Experts submitted its report⁷⁰ of 21 May 2001 through the Secretary-General to the Council.

By resolution 1363 (2001) of 30 July 2001, the Council requested the Secretary-General to establish, in consultation with the Committee, a mechanism for a period of 12 months (a) to monitor the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000); (b) to offer assistance to States bordering the territory of Afghanistan under Taliban control and other States in order to increase their capacity regarding the implementation of the measures imposed by the aforementioned resolutions; and (c) to collate, assess, verify wherever possible, report and make recommendations on information regarding violations of the measures imposed by the above resolutions.⁷¹ The Secretary-General appointed five

members of the Monitoring Group on 18 September 2001.⁷² By resolution 1390 (2002) of 28 January 2002, the Council requested the Secretary-General to assign the Monitoring Group to monitor, for a period of 12 months, the implementation of the measures, including the freezing of assets, travel restrictions and an arms embargo, imposed and strengthened by the same resolution.⁷³ In accordance with its mandate under resolutions 1363 (2001) and 1390 (2002), the Monitoring Group submitted four reports⁷⁴ to the Council through the Committee.

By resolution 1455 (2003) of 17 January 2003, the Council requested the Secretary-General to reappoint five experts to monitor for an additional period of 12 months the implementation of the measures and to follow up on relevant leads relating to any incomplete implementation of those measures.⁷⁵ The Monitoring Group was requested to submit two written reports to the Committee, and to brief the Committee when it so requested. The Secretary-General appointed five members of the Monitoring Group on 3 February 2003.⁷⁶ The Monitoring Group submitted its reports⁷⁷ to the Council through the Committee on two occasions.

10. Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia

Establishment and mandate

By resolution 1298 (2000) of 17 May 2000, the Security Council established a Committee to monitor the implementation of the arms embargo imposed by the same resolution.

The Committee was mandated to undertake the following tasks, and to report on its work to the Council with its observations and recommendations: (a) to seek from all States further information regarding the action taken by them with a view to

⁶⁸ Resolution 1333 (2000), paras. 3 and 5.

⁶⁹ S/2001/206.

⁷⁰ S/2001/511.

⁷¹ In accordance with resolution 1363 (2001), the monitoring mechanism was comprised of two components: (a) a monitoring group in New York composed of five experts to monitor the implementation of all the measures imposed by resolutions 1267 (2000) and 1333 (2000); and (b) a sanctions enforcement support team, under the coordination of the Monitoring Group, of up to 15 members, to be located in the States bordering the territory of Afghanistan under Taliban control, in full consultation and in close cooperation with those States. The support team was requested to report at least once a month to the Monitoring Group, which reported to the Committee. The Secretary-General was requested to make the necessary arrangements to support the work of the monitoring mechanism, as an expense of the Organization and through a United Nations trust fund established for that purpose. In subsequent resolution 1390 (2002), however, no reference was made to the sanctions enforcement support team that was to be deployed pursuant to resolution 1363 (2001).

⁷² Of the five appointees, three were subsequently unable to assume their functions and were replaced (S/2001/887, S/2001/952 and S/2001/1056). For the changes in the composition of the Monitoring Group, see S/2002/516.

⁷³ Resolution 1390 (2002), para. 2.

⁷⁴ S/2002/65, S/2002/541, S/2002/1050 and Corr.1, and S/2002/1338.

⁷⁵ Resolution 1455 (2003), para. 8.

⁷⁶ S/2003/143.

⁷⁷ S/2003/669 and Corr.1, and S/2003/1070.

implementing effectively the arms embargo, and thereafter to request from them whatever further information it might consider necessary; (b) to consider any information brought to its attention by States concerning violations of the arms embargo, and to recommend appropriate measures in response thereto; (c) to make periodic reports to the Council on information submitted to it regarding alleged violations of the arms embargo, identifying where possible persons or entities reportedly to be engaged in such violations; (d) to promulgate such guidelines as might be necessary to facilitate the implementation of the arms embargo; (e) to give consideration to, and decide upon, requests for the exceptions set out in the resolution; and (f) to examine the reports submitted pursuant to the resolution by States, relevant United Nations bodies and, as appropriate, other organizations and interested parties.

Mandate implementation Monitoring and reporting

The Committee submitted three reports⁷⁸ to the Council during the period under review, providing, *inter alia*, information on its activities and the status of the implementation of resolution 1298 (2000). Throughout the reporting period, the Committee observed that it did not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo and relied solely on the cooperation of States and organizations in a position to provide pertinent information.⁷⁹

Termination of mandate

By a presidential statement of 15 May 2001,⁸⁰ the Council noted that, in accordance with paragraph 16 of resolution 1298 (2000), the arms embargo on the parties expired on 16 May 2001, and recognized that the Algiers Agreements⁸¹ were consistent with

paragraphs 2 through 4 of resolution 1298 (2000). Subsequently, the Committee was dissolved.⁸²

11. Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia

The Committee established pursuant to resolution 985 (1995) concerning Liberia continued to fulfil its mandate to oversee the implementation of the arms embargo imposed by resolution 788 (1992).

Mandate implementation Monitoring and reporting

In its final annual report⁸³ to the Council dated 22 December 2000, the Committee observed that it did not have any specific monitoring mechanism to ensure the effective implementation of the arms embargo, and therefore urged all Member States and organizations to provide information pertinent to the effective implementation of the embargo to the Committee.⁸⁴

Termination of mandate

By resolution 1343 (2001) of 7 March 2001, noting that the conflict in Liberia had been resolved, that national elections had taken place within the framework of the Yamoussoukro IV Agreement of 30 October 1991⁸⁵ and that the final communiqué of the informal consultative group meeting of the ECOWAS Committee of Five on Liberia issued at Geneva on 7 April 1992⁸⁶ had been implemented, and determining therefore that the embargo imposed by resolution 788 (1992) should be terminated, the Council dissolved the Committee.

⁷⁸ S/2000/1259; S/2001/39; and S/2001/503.

⁷⁹ S/2000/1259, para. 7, and S/2001/503, para. 8.

⁸⁰ S/PRST/2001/14.

⁸¹ Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, signed in Algiers on 18 June 2000; Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia, signed in Algiers on 12 December 2000.

⁸² After the arms embargo against Eritrea and Ethiopia expired on 16 May 2001, owing to a possible violation that had occurred while the embargo was still in effect, the former Chairman of the Committee was authorized by a letter from the President of the Council (not published) to continue to work with the former members of the Committee to conclude the work on the outstanding case and report thereon (report not published).

⁸³ S/2000/1233.

⁸⁴ *Ibid.*, annex, para. 7.

⁸⁵ S/24815, annex.

⁸⁶ S/23863.

12. Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia

Establishment and mandate

By resolution 1343 (2001) of 7 March 2001, the Council established a Committee to ensure the effective implementation of the measures of the arms embargo for a 14-month period, as well as of additional measures concerning diamonds and restrictions on travel,⁸⁷ to come into effect if Liberia did not cease its support for the Revolutionary United Front (RUF) and other armed rebel groups in the region within two months. On 7 May 2001, in accordance with resolution 1343 (2001), the measures concerning the ban on the direct or indirect import of diamonds and travel restrictions came into force for a period of 12 months.

Pursuant to resolution 1343 (2001), the Committee was mandated to undertake the following tasks, and to report on its work to the Council with its observations and recommendations: (a) to seek from all States information regarding the actions taken by them to implement the measures imposed by the same resolution and thereafter to request from them whatever further information it might consider necessary; (b) to consider, and to take appropriate action on, information brought to its attention by States concerning alleged violations of the measures imposed by the resolution, and to make periodic reports to the Council; (c) to promulgate guidelines facilitating the implementation of the measures; (d) to give consideration to and decide upon requests for exemptions to the imposed arms embargo and on the travel restrictions; (e) to designate the individuals subject to the travel restrictions and to update that list regularly; (f) to make information it considered relevant publicly available through appropriate media; (g) to make recommendations to the Council on ways of increasing the effectiveness of the measures imposed and on ways to limit unintended effects of those measures on the Liberian population; (h) to cooperate with other relevant Security Council Sanctions Committees, in particular those established pursuant to resolutions 1132 (1997) and 864 (1993); and (i) to establish a list of RUF members present in Liberia.

⁸⁷ Resolution 1343 (2001), paras. 6-7.

Mandate implementation

By resolutions 1408 (2002) of 6 May 2002 and 1478 (2003) of 6 May 2003, the Council successively extended the measures imposed by resolution 1343 (2001), namely the arms embargo, the ban on the import of diamonds and travel restrictions, for an additional period of 12 months. By resolution 1478 (2003), the Council also imposed prohibitions on the import of all round logs and timber products, which took effect on 7 July 2003. By those resolutions, the Council requested the Committee to carry out the tasks set out in them and to continue with its mandate as set out in resolution 1343 (2001). By resolution 1408 (2002), the Council also requested the Committee to consider and take appropriate action on information brought to its attention concerning any alleged violations of the measures imposed by resolution 788 (1992), while that resolution was in force.

Monitoring and reporting

The Committee transmitted three annual reports⁸⁸ to the Council during the period under review, dealing with such aspects as activities of the Committee, violations and alleged violations of the sanctions regime. In two of the reports, the Committee observed that in the absence of any specific monitoring mechanism to ensure the effective implementation of the sanctions regime, it urged all States and organizations in a position to provide it with pertinent information to do so.⁸⁹

By resolution 1343 (2001) of 7 March 2001, the Council requested the Secretary-General to establish a five-member Panel of Experts for a period of six months to, inter alia, monitor the implementation of the measures imposed and to investigate any violations thereof.⁹⁰ The Panel was appointed by the Secretary-General on 23 March 2001,⁹¹ and its report of 26 October 2001⁹² was transmitted to the Council through the Committee.

By resolution 1395 (2002) of 27 February 2002, the Council decided to re-establish the Panel of Experts for a further period of five weeks to conduct a follow-up assessment mission to Liberia and neighbouring

⁸⁸ S/2002/83, S/2002/1394 and S/2004/139.

⁸⁹ S/2002/83, para. 19; S/2002/1394, para. 23.

⁹⁰ Resolution 1343 (2001), para. 19.

⁹¹ See S/2001/268.

⁹² S/2001/1015.

States, in order to investigate and compile a brief independent audit of compliance by the Government of Liberia with the Council's demand, made in resolution 1343 (2001), concerning cessation of its support for RUF in Sierra Leone and other armed rebel groups in the region, and of any violations of measures imposed by the same resolution.⁹³ The Secretary-General appointed a Panel of Experts on 6 March 2002.⁹⁴ By a letter dated 19 April 2002 addressed to the President of the Security Council, the Chairman of the Committee transmitted the report of the Panel of Experts to the Council.⁹⁵

By resolution 1408 (2002) of 6 May 2002, the Council requested the Secretary-General to re-establish the Panel of Experts for a further period of three months to conduct a follow-up assessment mission to Liberia and neighbouring States, to investigate and compile a report (a) on compliance by the Government of Liberia with the Council's demand in resolution 1343 (2001) concerning cessation of the Government's support for RUF in Sierra Leone and other armed rebel groups in the region; (b) on the potential economic, humanitarian and social impact on the Liberian population of the measures imposed by resolution 1343 (2001); and (c) on any violations thereof.⁹⁶ The Panel of Experts was appointed by the Secretary-General on 17 July 2002,⁹⁷ and its report of 25 October 2002⁹⁸ was transmitted to the Council, through the Committee.

By resolution 1458 (2003) of 28 January 2003, the Council requested the Secretary-General to re-establish the Panel of Experts for a period of three months to conduct a follow-up assessment mission to Liberia and neighbouring States. The members of the Panel of Experts were appointed by the Secretary-General on 14 February and 5 March 2003, respectively,⁹⁹ and its report of 24 April 2003 was transmitted to the Council,¹⁰⁰ through the Committee.

By resolution 1478 (2003) of 6 May 2003, the Council requested the Secretary-General to re-establish the Panel of Experts for a period of five months to conduct a follow-up assessment mission to Liberia and

neighbouring States. The Secretary-General appointed the Panel of Experts on 6 June 2003.¹⁰¹ The Panel issued its humanitarian and socio-economic impact assessment report on 7 August 2003,¹⁰² and its final report on 28 October 2003.¹⁰³

Termination of mandate

By resolution 1521 (2003) of 22 December 2003, noting the changed circumstances in Liberia, in particular, the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone, the Council dissolved the Committee and terminated the prohibitions imposed by resolutions 1343 (2001) and 1478 (2003).¹⁰⁴ By the same resolution, the Council established a Committee to oversee the implementation of the modified measures.

13. Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

Establishment

By resolution 1521 (2003) of 22 December 2003, in the light of the changed circumstances described in the preceding paragraph, the Council established a Committee to oversee the implementation of the measures modified and re-imposed by that resolution, including an arms embargo, travel restrictions, a ban on the import of diamonds and prohibitions on the import of round logs and timber products originating in Liberia.¹⁰⁵

Mandate implementation Monitoring and reporting

By resolution 1521 (2003), the Council requested the Secretary-General to establish a five-member Panel of Experts for a period of five months (a) to conduct a follow-up assessment mission to Liberia and neighbouring States; (b) to report on the implementation of the sanctions measures, and to assess progress made towards the goals set out by the Council for the lifting of sanctions; and (c) to report to the Council through

⁹³ Resolution 1395 (2002), para. 4.

⁹⁴ S/2002/237.

⁹⁵ S/2002/470.

⁹⁶ Resolution 1395 (2002), para. 4.

⁹⁷ S/2002/774.

⁹⁸ S/2002/1115.

⁹⁹ See S/2003/185 and S/2003/251.

¹⁰⁰ S/2003/498.

¹⁰¹ S/2003/618.

¹⁰² S/2003/779.

¹⁰³ S/2003/937 and Add.1.

¹⁰⁴ Resolution 1521 (2003), para. 1.

¹⁰⁵ Resolution 1521 (2003), para. 21.

the Committee no later than 30 May 2004 with observations and recommendations, including, inter alia, how to minimize any humanitarian and socio-economic impact of the measures imposed by the same resolution.¹⁰⁶

14. Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

Establishment and mandate

By resolution 1291 (2000) of 24 February 2000, the Council expressed serious concern at reports of illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, including in violation of the sovereignty of that country, called for an end to such activities, and requested the Secretary-General to report to it within 90 days to achieve that goal.¹⁰⁷ Pursuant to that resolution, the Secretary-General, by his letter dated 18 April 2000 addressed to the President of the Council,¹⁰⁸ proposed to the Council the establishment of a panel of experts to undertake a preliminary investigation into the situation and to revert to the Council thereafter with its recommendations.¹⁰⁹ Subsequently, the President of the Council, in a letter dated 24 April 2000, informed the Secretary-General of the Council's decision to send a mission to the Democratic Republic of the Congo.¹¹⁰ Following the recommendation of the mission with respect to the early establishment of a panel of experts by the Council,¹¹¹ the Council, in a statement by the President dated 2 June 2000,¹¹² requested the Secretary-General to establish a panel of experts on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo for an

initial period of six months, to be based in Nairobi, and requested the Secretary-General to appoint the members of the panel, in consultation with the Council.

By its presidential statement of 2 June 2000,¹¹³ the Council mandated the Panel (a) to follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country; (b) to research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict; and (c) to revert to the Council with recommendations.

Mandate implementation

By a letter dated 31 January 2000 addressed to the President of the Council,¹¹⁴ the Secretary-General informed the Council of the composition of the Panel. By his letter dated 12 April 2001,¹¹⁵ the Secretary-General transmitted the report of the Panel¹¹⁶ to the Council.

By a presidential statement dated 3 May 2001,¹¹⁷ the Council extended the mandate of the Panel of Experts for three months, and requested that the Panel submit, through the Secretary-General, an addendum to its final report which would include the following: (a) an update of relevant data and an analysis of further information, including as pointed out in the action plan submitted by the Panel to the Council; (b) relevant information on the activities of countries and other actors for which the necessary quantity and quality of data had not been made available earlier; (c) a response, based as far as possible on corroborated evidence, to the comments and reactions of the States and actors cited in the final report of the Panel; (d) an evaluation of the situation at the end of the extension of the mandate of the Panel, and of its conclusions, assessing whether progress had been made on the issues which came under the responsibility of the

¹⁰⁶ Resolution 1521 (2003), para. 22.

¹⁰⁷ Resolution 1291 (2000), para. 17.

¹⁰⁸ S/2000/334.

¹⁰⁹ By a letter dated 26 April 2000 addressed to the President of the Council, the Democratic Republic of the Congo expressed its agreement with the Secretary-General's proposal concerning the establishment of a group of independent experts, and requested the Council to do so (S/2000/350).

¹¹⁰ S/2000/344.

¹¹¹ S/2000/416, para. 77. By a letter dated 1 June 2000 addressed to the President of the Council (S/2000/515), the Government of the Democratic Republic of the Congo welcomed that recommendation.

¹¹² S/PRST/2000/20.

¹¹³ *Ibid.*

¹¹⁴ S/2000/796.

¹¹⁵ Prior to the submission of the report, the Secretary-General and the President of the Council exchanged letters concerning the timing of the submission (see S/2001/288 and S/2001/289, and S/2001/338 and S/2001/339).

¹¹⁶ S/2001/357.

¹¹⁷ S/PRST/2001/13.

Panel. By his letter dated 25 June 2001 addressed to the President of the Council,¹¹⁸ the Secretary-General informed the Council of the appointment of the Chairman of the Panel.¹¹⁹ Through an exchange of letters dated 3 and 8 October 2001,¹²⁰ respectively, between the Secretary-General and the President of the Council, the Council again extended the mandate of the Panel until 30 November 2001. By a letter dated 10 November 2001 addressed to the President of the Council, the Secretary-General transmitted to the Council an addendum to the report of the Panel.¹²¹ At the 4437th meeting, held on 14 December 2001, the Council heard a briefing by the Chairman of the Panel on the addendum to the report. By a presidential statement dated 19 December 2001,¹²² the Council thanked the Panel for its recommendations on the institutional, financial and technical aspects of the issue, and for its advice on possible measures to be imposed by the Council.

By the same presidential statement,¹²³ the Council requested the Secretary-General to renew the mandate of the Panel for a period of six months, and asked the Panel to submit both an interim and a final report. The new mandate stipulated that the report should include the following: (a) an update of relevant data and an analysis of further information from all relevant countries; (b) an evaluation of the possible actions that could be taken by the Council, including those recommended by the Panel in the report and its addendum,¹²⁴ to help bring to an end the plundering of natural resources of the Democratic Republic of the Congo, taking into account the impact of such actions on the financing of the conflict and their potential impact on the humanitarian and economic situation of that country; (c) recommendations on specific actions that the international community, in support of the Government of the Democratic Republic of the Congo, might take, working through existing international organizations, mechanisms and United Nations bodies, to address the issues in the report and its addendum; and (d) recommendations on possible steps that might be taken by transit countries as well as end-users to

contribute to ending illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo. The Council also stressed the importance of the Panel maintaining a high level of collaboration with all the Congolese players, governmental as well as non-governmental, throughout the national territory. The Panel submitted to the Council an interim report on 22 May 2002,¹²⁵ through the Secretary-General. By an exchange of letters between the Secretary-General and the President of the Council, dated 9 and 12 July 2002,¹²⁶ respectively, the mandate of the Panel of Experts on the Illegal Exploitation of Natural Resources of the Democratic Republic of the Congo was extended until 31 October 2002 to enable the Panel to finalize its work. By a letter dated 15 October 2002 addressed to the President, the Secretary-General transmitted the final report of the Panel.¹²⁷ By resolution 1457 (2003) of 24 January 2003, the Council took note of the final report.

By its resolution 1457 (2003), the Council also requested the Secretary-General to give a new mandate to the Panel of Experts for a six-month period, during which time the Panel should submit both an interim and final report to the Council. The Council stressed that the new mandate of the Panel should include the following: (a) further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information, including specifically material provided by individuals and entities named in the previous reports of the Panel, in order to verify, reinforce and, where necessary, update the Panel's findings, and/or clear parties named in the Panel's previous reports, with a view to adjusting accordingly the lists attached to those reports; (b) information on actions taken by Governments in response to the Panel's previous recommendations, including information on how capacity-building and reforms in the region were affecting exploitation activities; (c) an assessment of the actions taken by all those named in the reports in respect of paragraphs 12 and 15 of the resolution; (d) recommendations on measures a transitional Government in the Democratic Republic of the Congo and other Governments in the region could take to develop and enhance their policies, legal framework and administrative capacity

¹¹⁸ S/2001/632.

¹¹⁹ For the composition of the Panel, see S/2001/1072, para. 3.

¹²⁰ S/2001/950 and S/2001/951, respectively.

¹²¹ S/2001/1072.

¹²² S/PRST/2001/39.

¹²³ *Ibid.*

¹²⁴ S/2001/357 and S/2001/1072, respectively.

¹²⁵ S/2002/565.

¹²⁶ S/2002/762 and S/2002/763, respectively.

¹²⁷ S/2002/1146 and Add.1 and Corr.1.

to ensure the resources of the Democratic Republic of the Congo were exploited legally and on a fair commercial basis to benefit the Congolese people. By the same resolution, the Council requested the Panel to establish a procedure to provide to Member States, upon request, information previously collected by the Panel to help them take the necessary investigative action.

By a letter dated 26 February 2003 addressed to the President of the Council,¹²⁸ the Secretary-General informed the Council of his intention to appoint four experts as members of the reconstituted Panel of Experts and an additional member in the near future, and noted that the reconstituted Panel was expected to reassemble in early March 2003 in New York for consultations, including with Member States, before proceeding to the Great Lakes region.

By resolution 1499 (2003) of 13 August 2003, the Council requested the Secretary-General to extend the mandate of the Panel of Experts until 31 October 2003 to enable it to complete the remaining elements of its mandate, at the end of which the Panel would submit a final report to the Council. By that resolution, the Council took note of the Panel's intent, in accordance with paragraph 9 of resolution 1457 (2003), to remove from the annexes attached to its report the names of those parties, with which it had or would have reached a resolution by the end of its mandate, and renewed its support to the Panel in its efforts to secure, including through dialogue with parties named in its last report, particularly with the Governments concerned, a clearer picture of activities related to the illegal exploitation of natural resources in the Democratic Republic of the Congo, and to update its findings during the remainder of its mandate period.

Termination of mandate

In a presidential statement dated 19 November 2003,¹²⁹ the Council took note of the final report of the Panel,¹³⁰ submitted on 23 October 2003, which concluded its work, and emphasized the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, which the Panel had highlighted. The Council also reaffirmed its

determination to monitor closely compliance with the arms embargo imposed in resolution 1493 (2003) of 28 July 2003 and expressed its intention to address the problem posed by the illicit flow of weapons into the Democratic Republic of the Congo, including by considering the possible establishment of a monitoring mechanism.

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Establishment and mandate

On 28 September 2001, by resolution 1373 (2001), the Council reaffirmed its unequivocal condemnation of the terrorist attacks of 11 September 2001 in New York, Washington, D.C., and Pennsylvania, and acting under Chapter VII, decided that all States should cooperate in a wide range of areas, from suppressing the financing of terrorism to providing early warning, as well as cooperating in criminal investigations, exchanging information on possible terrorist acts, and reporting on the steps they had taken to implement that resolution.

By resolution 1373 (2001), the Council also decided to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all members of the Council, to monitor implementation of that resolution, with the assistance of appropriate expertise.¹³¹ The Council called upon all States to report to the Committee no later than 90 days from the date of adoption of the resolution and, thereafter, according to a timetable to be proposed by the Committee on the steps they had taken to implement the resolution. Furthermore, the Council directed the Committee to delineate its tasks, submit a work programme within 30 days of the adoption of the resolution and consider the support it required, in consultation with the Secretary-General.

¹³¹ The Counter-Terrorism Committee is not a sanctions committee and does not maintain a list of individuals or entities.

¹²⁸ S/2003/226.

¹²⁹ S/PRST/2003/21.

¹³⁰ S/2003/1027.

Composition

On 16 October 2001, pursuant to resolution 1373 (2001), the Counter-Terrorism Committee adopted guidelines for the conduct of its work. The Committee pursued its agenda as set out in its work programmes, each designed to be in effect for a period of ninety days.¹³²

According to the guidelines, the Chairman of the Committee should be appointed by the Security Council and should also be the Permanent Representative of a State member of the Security Council. As set forth in its first programme of work,¹³³ the Committee took steps to furnish itself with the appropriate expertise it needed to do its work. The Secretariat appointed expert advisers with the approval of the Committee, taking account of relevant expertise and the principle of equitable geographical representation.¹³⁴

As set forth in its second programme of work,¹³⁵ the Committee established three subcommittees, each composed of five of its members and chaired by one of the Committee's vice-chairmen, to have an initial discussion of each report between members of the subcommittee and the experts on the Committee's response to the report. The three relevant subcommittees also invited the States concerned to attend part of the subcommittees' discussion of the reports.

Mandate implementation

By resolution 1377 (2001) of 12 November 2001,¹³⁶ the Security Council, meeting at the ministerial level, adopted a declaration on the global effort to combat terrorism, in which it recognized that many States would require assistance in implementing all the requirements of resolution 1373 (2001), and invited States to inform the Committee of areas in which they required such support. In that context, the Council invited the Committee to explore ways in

which States could be assisted, and in particular to explore with international, regional and subregional organizations (a) the promotion of best practice in the areas covered by resolution 1373 (2001), including the preparation of model laws as appropriate; (b) the availability of existing technical, financial, regulatory, legislative or other assistance programmes which might facilitate the implementation of the resolution; and (c) the promotion of possible synergies between those assistance programmes.

By resolution 1456 (2003),¹³⁷ the Security Council adopted, at the Council's high-level meeting on combating terrorism on 20 January 2003, the declaration by the Ministers for Foreign Affairs on the issue of combating terrorism, and called on the Committee to intensify its efforts to promote the implementation by Member States of all aspects of resolution 1373 (2001), in particular through reviewing States' reports and facilitating international assistance and cooperation, and through continuing to operate in a transparent and effective manner. Pursuant to paragraph 12 of the declaration, the Secretary-General submitted a report summarizing the proposals made during the ministerial meeting and the comments and responses to the proposals received from the Security Council members.¹³⁸

By a letter dated 14 February 2003 addressed to the President of the Council,¹³⁹ the Chairman of the Committee set out the action to be taken by the Committee to take forward the matters contained in the annex to resolution 1456 (2003).

Reports to the Security Council

In statements made by the President on its behalf, the Council reviewed the structure and activities of the Committee at regular intervals.¹⁴⁰ In accordance with guideline No. 9, the Chairman of the Committee briefed the Council on the work of the Committee several times during the period under review.

¹³² S/2001/986, S/2002/67, S/2002/318, S/2002/700, S/2002/1075, S/2003/72, S/2003/387, S/2003/710 and S/2003/995.

¹³³ S/2001/986.

¹³⁴ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 2 (A/57/2)*, part VI, chap. 13.

¹³⁵ S/2002/67.

¹³⁶ Resolution 1377 (2001), annex.

¹³⁷ Resolution 1456 (2003), annex.

¹³⁸ S/2003/191 and Add.1.

¹³⁹ S/2003/198.

¹⁴⁰ S/PRST/2002/10, S/PRST/2002/26, S/PRST/2003/3 and S/PRST/2003/17.

C. Informal and ad hoc working groups

Note

During the period under review, the Council's Informal Working Group on Documentation and Other Procedural Questions continued to exist. In addition, the Council established four new informal working groups. These included the Working Group on General Issues of Sanctions, the Working Group on

International Criminal Tribunals, the Working Group of the Whole on United Nations peacekeeping operations, and the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa. The working groups consisted of all fifteen members of the Council, held their meetings in private sessions, and reached their decisions by consensus. A brief overview of the establishment and mandate of the working groups is provided in the table below.

Informal and ad hoc working groups

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>
Informal Working Group on Documentation and Other Procedural Questions	June 1993 (no formal decision was taken)	To deal with issues related to documentation and other procedural questions.
Working Group on General Issues of Sanctions	Note by the President of the Council of 17 April 2000 (S/2000/319)	To develop general recommendations on how to improve the effectiveness of United Nations sanctions. Issues to be examined by the Working Group were as follows: <ul style="list-style-type: none"> (a) Working methods of sanctions committees and inter-committee coordination; (b) Capacity of the United Nations Secretariat; (c) Coordination within the United Nations system and cooperation with regional and other international organizations; (d) Design of sanctions resolutions including the conditions for the maintaining/lifting of sanctions; (e) Pre- and post-assessment reports and the ongoing evaluation of sanctions regimes; (f) Monitoring and enforcement of sanctions; (g) Unintended impacts of sanctions; (h) Humanitarian exemptions; (i) Targeted sanctions; (j) Assisting member States in implementing sanctions; (k) Implementation of the recommendations of the note by the President of 29 January 1999 (S/1999/92).

<i>Title</i>	<i>Establishment</i>	<i>Mandate</i>
Working Group on International Criminal Tribunals	June 2000 (no formal decision was taken). It was established pursuant to a proposal by some Council members (Canada, Bangladesh, Tunisia) at the 4161st meeting held on 20 June 2000	The working group on International Criminal Tribunals was convened to deal with a specific issue pertaining to the Statute of the International Criminal Tribunal for the Former Yugoslavia and was subsequently mandated to deal with other (legal) issues pertaining to the tribunals.
Working Group of the Whole on United Nations peacekeeping operations	Presidential Statement of 31 January 2001 (S/PRST/2001/3)	<p>(a) To address both generic peacekeeping issues relevant to the responsibilities of the Council and technical aspects of individual peacekeeping operations, without prejudice to the competence of the Special Committee on Peacekeeping Operations;</p> <p>(b) Where appropriate, to seek the views of the troop-contributing countries, including through meetings between the Working Group and the troop-contributing countries, with a view to their views being taken into account by the Council.</p>
Ad Hoc Working Group on Conflict Prevention and Resolution in Africa	Note by the President of the Council dated 1 March 2002 (S/2002/207)	<p>(a) To monitor the implementation of recommendations contained in the presidential statement S/PRST/2002/2 and previous presidential statements and resolutions regarding conflict prevention and resolution in Africa;</p> <p>(b) To propose recommendations on the enhancement of cooperation between the Security Council and the Economic and Social Council as well as with other United Nations agencies dealing with Africa;</p> <p>(c) To examine, in particular, regional and cross-conflict issues that affect the Council's work on African conflict prevention and resolution;</p> <p>(d) To propose recommendations to the Security Council to enhance cooperation in conflict prevention and resolution, between the United Nations and regional (OAU) and subregional organizations.</p>

D. Investigative bodies

During the period under review, there were no subsidiary investigative bodies authorized by the Council. However, the Council undertook 13 missions

of its own, and welcomed a number of such initiatives by the Secretary-General.¹⁴¹

¹⁴¹ For details, see chapters I and X.

E. Peacekeeping operations and political missions

Note

As stated by the Secretary-General in his report on the work of the Organization for 2003,¹⁴² peacekeeping and peacebuilding are two sides of the same coin. During the period under review, beyond the deployment of peacekeeping missions to support the transition from conflict in a number of places around the world, the Security Council continued with its peacebuilding efforts to provide political, humanitarian and development assistance to meet immediate emergency and reconstruction needs, as well as to establish viable institutions. The record for the period examined below displays a number of successfully completed mandates of missions such as the United Nations Transitional Administration in East Timor (UNTAET) and the United Nations Mission in Bosnia and Herzegovina (UNMIBH), as well as the establishment of new, or the reinforcement of existing, missions.

Therefore, between 2000 and 2003 the Council, often acting under Chapter VII of the Charter, mandated the establishment of three new peacekeeping operations, in Côte d'Ivoire,¹⁴³ East Timor¹⁴⁴ and Ethiopia and Eritrea,¹⁴⁵ while authorizing the termination or transition to new peacekeeping missions of seven operations.¹⁴⁶ During that period, the Council further authorized the establishment of five political missions — in Afghanistan,¹⁴⁷ Angola,¹⁴⁸ the Central

African Republic,¹⁴⁹ Iraq¹⁵⁰ and Tajikistan¹⁵¹ — and authorized, upon the recommendation of the Secretary-General, the termination or transition to new missions of three other political missions.¹⁵² In some cases, the Council authorized significant changes and expansions in the mandates of peacekeeping operations, including a number of those established during an earlier period.

A total of 21 peacekeeping operations and 11 political missions are considered below, by geographic region. The studies of the operations and missions in each region generally appear in the order of their establishment, while interlinked operations are dealt with jointly. As a more detailed account of Council proceedings, such as the deliberations by the Council on the specific agenda item and the content of the reports of the Secretary-General on the situations on the ground is set out in chapter VIII of this volume, the present section focuses on procedures of the Council concerning the establishment, mandate, composition, implementation of mandate, and termination or transition of peacekeeping operations and political missions during the period from 2000 to 2003. It is noted that, in accordance with the general principles set out in General Assembly resolutions 874 (S-IV) of 27 June 1963 and 3101 (XXVIII) of 11 December 1973, peacekeeping operations during the period from 2000 to 2003 were financed through assessed contributions by Member States, except as stated otherwise.

Africa

1. United Nations Mission for the Referendum in Western Sahara

During the period under review, the United Nations Mission for the Referendum in Western Sahara (MINURSO), established pursuant to resolution 690 (1991), continued its efforts in support of the implementation of the Settlement Plan and agreements adopted by the Government of Morocco and the Frente

¹⁴² *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 1 (A/58/1)*, para. 39.

¹⁴³ United Nations Mission in Côte d'Ivoire (MINUCI).

¹⁴⁴ United Nations Mission of Support in East Timor (UNMISSET).

¹⁴⁵ United Nations Mission in Ethiopia and Eritrea (UNMEE).

¹⁴⁶ United Nations Civilian Police Mission in Haiti (MIPONUH), United Nations Mission of Observers in Tajikistan (UNMOT), UNTAET, United Nations Mission of Observers in Prevlaka (UNMOP), UNMIBH, the United Nations Mission in the Central African Republic (MINURCA), and the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

¹⁴⁷ United Nations Assistance Mission in Afghanistan (UNAMA).

¹⁴⁸ United Nations Mission in Angola (UNMA).

¹⁴⁹ United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).

¹⁵⁰ United Nations Assistance Mission for Iraq (UNAMI).

¹⁵¹ United Nations Tajikistan Office of Peacebuilding (UNTOP).

¹⁵² United Nations Peacebuilding Support Office in Liberia (UNOL), United Nations Political Office in Bougainville (UNPOB) and United Nations Office in Angola (UNOA).

Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) to hold a free, fair and impartial referendum that would allow the people of Western Sahara to decide the future status of the territory. By a series of resolutions,¹⁵³ adopted on the basis of the Secretary-General's reports¹⁵⁴ and a letter dated 12 November 2001 from the Secretary-General addressed to the President,¹⁵⁵ the Security Council successively extended the mandate of MINURSO for additional periods of two to six months, with the expectation that the parties would meet in direct talks under the auspices of the Personal Envoy of the Secretary-General to try to resolve the multiple problems relating to the implementation of the Settlement plan, and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

2. United Nations Office in Burundi

During the period under review, the United Nations Office in Burundi (UNOB), established in October 1993, continued to facilitate the restoration of constitutional rule in Burundi through the implementation of the Arusha Peace and Reconciliation Agreement for Burundi and subsequent ceasefire agreements.

Mandate implementation

By a letter dated 15 November 2000 addressed to the President of the Security Council, the Secretary-General informed the Council that the Burundi peace process had culminated in the signing of the Arusha Peace and Reconciliation Agreement for Burundi on 28 August 2000.¹⁵⁶ The Agreement requested the United Nations to chair the Arusha Agreement Implementation Monitoring Committee and to provide support to a wide range of activities together with other actors. The requested activities included supervising and ensuring the effective implementation of the Agreement; ensuring respect for the implementation

timetable and accurate interpretation of the Agreement; arbitrating and ruling on disputes that might arise among the signatories; providing guidance to and coordinating the activities of the commissions and subcommissions set up to implement the Agreement; and assisting the transitional Government in mobilizing the resources required to implement the Agreement. Following the first meeting of the Committee, the Secretary-General hoped to be in a position to submit to the Security Council proposals on an extended mandate for the United Nations Office in Burundi and the ways in which the United Nations capacity there could be strengthened to help it carry out the functions entrusted to it as the Chairman of the Committee. In the meantime and until such time as the details of the new tasks requested were clarified, the mandate of UNOB was extended until 31 December 2001 through an exchange of letters between the Secretary-General and the President of the Security Council.¹⁵⁷

In his report dated 14 November 2001,¹⁵⁸ the Secretary-General stated that with the repatriation of the Implementation Monitoring Committee to Burundi, the primary role of UNOB would need to be adjusted and refocused. Noting that the political role of the United Nations in Burundi came primarily from its responsibilities as Chairman of the Committee, the staff and resources of the Office would be restructured and strengthened to support also the Chairman, including the servicing of the meetings of the Committee and its Executive Council. That would necessitate an increase in the staffing and resources of the United Nations Office in Burundi. The new political presence of the United Nations in Burundi would group together, under the Office of the Chairman of the Committee, the activities of the Committee secretariat and the political role previously entrusted to the United Nations Office in Burundi. The net additional staff requirements would amount to 16 international posts, including the Committee Chairman (Assistant Secretary-General); a small number of military advisers and civilian police would also be attached in order to continue contingency planning for the possible deployment of a peacekeeping mission. In a letter dated 7 December 2001 from the President of the Security Council addressed to the Secretary-General, the members of the Security Council

¹⁵³ Resolutions 1292 (2000), 1301 (2000), 1308 (2000), 1309 (2000), 1324 (2000), 1342 (2001), 1349 (2001), 1359 (2001), 1380 (2001), 1394 (2002), 1406 (2002), 1429 (2002), 1463 (2003), 1469 (2003), 1485 (2003), 1495 (2003) and 1513 (2003).

¹⁵⁴ S/21360, S/2001/148, S/2001/398, S/2001/613, S/2002/178, S/2003/59 and S/2003/341.

¹⁵⁵ S/2001/1067.

¹⁵⁶ S/2000/1096.

¹⁵⁷ *Ibid.*, and S/2000/1097.

¹⁵⁸ S/2001/1076.

expressed support for the proposal to strengthen the Office to help implement the Arusha Agreement.¹⁵⁹

In his report dated 18 November 2002,¹⁶⁰ the Secretary-General stated that for 2003, the net additional staff requirement would amount to two international posts, to accommodate a spokesperson and a close protection officer for the Special Representative, as well as eight local staff. Three military advisers and civilian police would also be attached to UNOB to continue contingency planning for the possible deployment of a United Nations peacekeeping mission. In a statement by the President dated 18 December 2002,¹⁶¹ the Council approved the recommendations of the Secretary-General with a view to increasing the resources of UNOB.

Following the signing of the ceasefire agreements between the Government of Burundi and the armed groups, the staffing and resources of the Office were strengthened to enable the Chairman of the Arusha Agreement Implementation Monitoring Committee to provide the substantive and administrative support needed for the activities of the Commission, by an exchange of letters between the Secretary-General and the President of the Security Council on 29 September 2003.¹⁶² The additional staff included the Chairman of the Joint Ceasefire Commission, a subsidiary body of the Implementation Monitoring Committee; a civil police/rule of law adviser; two political affairs officers; one disarmament, demobilization and reintegration adviser; and the necessary support staff.

In a report dated 4 December 2003 on the situation in Burundi,¹⁶³ the Secretary-General informed the Council that in order to respond to the increasing needs in peacekeeping-related issues and other priorities such as security sector reform and disarmament, demobilization and reintegration, it would be necessary to augment the staff of the Office slightly. By a statement by the President of 22 December 2003,¹⁶⁴ the Security Council approved the recommendations of the Secretary-General regarding the renewal of the mandate of the United Nations Office in Burundi.

¹⁵⁹ S/2001/1207.

¹⁶⁰ S/2002/1259.

¹⁶¹ S/PRST/2002/40.

¹⁶² S/2003/920 and S/2003/921.

¹⁶³ S/2003/1146.

¹⁶⁴ S/PRST/2003/30.

3. The United Nations Political Office for Somalia

During the period under review, the United Nations Political Office for Somalia (UNPOS), established on 15 April 1995, continued to help to advance the cause of peace and reconciliation through contacts with Somali leaders, civic organizations and the States and organizations concerned; monitor the situation in Somalia; and keep the Council informed in particular about developments. Furthermore, in the period following September 1999, UNPOS made sustained efforts in support of the initiative taken by the Government of Djibouti that led to the formation of the Transitional National Government of Somalia.¹⁶⁵

Mandate implementation

The mandate of the Office was extended for the biennium 2000-2001 by an exchange of letters between the Secretary-General and the President of the Council.¹⁶⁶ In a statement made by the President on behalf of the Council on 11 January 2001,¹⁶⁷ the members of the Council invited the Secretary-General to prepare a proposal for a peacebuilding mission in Somalia. However, the Secretary-General indicated in his report dated 11 October 2001¹⁶⁸ that the security situation did not make it possible to deploy a peacebuilding office in the country and recommended that, due to its valuable role in monitoring and reporting on the situation in Somalia, the mandate of UNPOS be renewed for another two years. In a statement by the President dated 31 October 2001,¹⁶⁹ the Council requested the Secretary-General to consider the scope for adjustment, as appropriate, to the mandate for UNPOS. In a letter dated 16 November 2001 addressed to the President,¹⁷⁰ the Secretary-General took note of the request of the Council and stated that it was his intention to continue the activities of UNPOS for the biennium 2002-2003, at the current resource level, pending an improvement in the security situation that would allow him to submit a proposal for

¹⁶⁵ S/2001/1097.

¹⁶⁶ S/1999/1134 and S/1999/1135, respectively. Since its establishment on 14 April 1995, UNPOS has had its mandate renewed for periods of two calendar years, starting with 1998/1999 (S/1997/715, para. 36 (b) and S/1997/756).

¹⁶⁷ S/PRST/2001/1.

¹⁶⁸ S/2001/963.

¹⁶⁹ S/PRST/2001/30.

¹⁷⁰ S/2001/1097.

the establishment of a peacebuilding office in Somalia. The mandate of UNPOS was therefore extended for the biennium 2002-2003 through an exchange of letters between the Secretary-General and the President of the Security Council.¹⁷¹

In a statement by the President dated 28 March 2002,¹⁷² the Council reiterated that a comprehensive post-conflict peacebuilding mission should be deployed once security conditions permitted. In a report dated 13 October 2003,¹⁷³ the Secretary-General indicated that pending an agreement at the National Reconciliation Conference in Mbagathi, Kenya and improvement of the security situation that would allow him to submit a proposal on the establishment of a peace-building office in Somalia and adjustments that might be needed to the mandate of the Political Office, it was his intention to continue the activities of the Office for the biennium 2004-2005.

4. United Nations Peacebuilding Support Office in Liberia

During the period under review, the United Nations Peacebuilding Support Office in Liberia (UNOL), established on 1 November 1997, continued to support the efforts of the Government of Liberia to consolidate peace and democracy, and to promote national reconciliation and the rule of law, including the protection of human rights.

Mandate implementation

During the period under review, the mandate of UNOL was extended three times through exchanges of letters between the Secretary-General and the President of the Council for periods of one year, the last of which ended 31 December 2003.¹⁷⁴

By a letter dated 29 November 2002 addressed to the Secretary-General, the President of the Security Council requested that the Secretary-General submit recommendations for a detailed revised mandate for UNOL in order to increase its capacity for objective reporting on the situation in Liberia.¹⁷⁵ In a statement

by the President dated 13 December 2002,¹⁷⁶ the Council stated that it was committed to promoting an expanded role for UNOL, along with the more active participation of the United Nations Office for West Africa.¹⁷⁷ In the statement, the Council further outlined the tasks it wanted UNOL to carry out, which included the following: offering assistance to the authorities of Liberia and to the public for strengthening democratic institutions and the rule of law, including the promotion of an independent press and an enabling environment for political parties to operate freely in Liberia; contributing to and monitoring the preparation of free and fair elections in 2003, especially through the promotion of an independent electoral commission; enhancing and monitoring respect for human rights in Liberia, including through constructive dialogue with the Government of Liberia, with particular attention to reaching out to local civil society groups and to encouraging the establishment of an independent and functional human rights commission; promoting national reconciliation and resolution of the conflict, including through support for initiatives on the ground; supporting the Government of Liberia in the implementation of peace agreements to be adopted; and engaging in an educational campaign to present accurately United Nations policies and activities regarding Liberia.

In a letter dated 15 January 2003 addressed to the President of the Council,¹⁷⁸ the Secretary-General stated that he had provided the Government of Liberia with a draft revised mandate for UNOL, which took into account the situation on the ground and the above-mentioned statement by the President. Following the agreement of the Government of Liberia, the mandate of UNOL was revised through an exchange of letters between the Secretary-General and the President of the Security Council.¹⁷⁹ In his letter dated 11 April 2003 addressed to the President of the Security Council,¹⁸⁰ the Secretary-General stated that, in finalizing the draft revised mandate, consideration had been given to the capacity-building needs of the Government in the areas of human rights and the conduct of elections and that he had received concurrence from the Government of Liberia to the revised mandate. The revised mandate

¹⁷¹ S/2001/1097 and S/2001/1098.

¹⁷² S/PRST/2002/8, para. 15.

¹⁷³ S/2003/987, paras. 13-18.

¹⁷⁴ S/2000/945 and S/2000/946; S/2001/981 and S/2001/982; and S/2002/1129 and S/2002/1130.

¹⁷⁵ S/2002/1305.

¹⁷⁶ S/PRST/2002/36.

¹⁷⁷ See chapter X.

¹⁷⁸ S/2003/49.

¹⁷⁹ S/2003/468 and S/2003/469.

¹⁸⁰ S/2003/468.

was (a) to provide, as appropriate, good offices and other services to defuse tensions through promoting national reconciliation and resolution of conflicts, including through support for initiatives on the ground; (b) to support the Government of Liberia in the implementation of the peace agreements to be adopted; (c) to monitor the political and security situation in Liberia and report thereon; (d) to enhance respect for human rights in Liberia, including through constructive dialogue with the Government of Liberia, with particular attention to strengthening the Government's capacity in this domain and providing human rights training for the security agencies; (e) to offer assistance to the Liberian authorities and to the public for strengthening democratic institutions and the rule of law, including the promotion of an independent press and an enabling environment for political parties to operate freely in Liberia; (f) to contribute to the preparation of free and fair elections in 2003, while helping to promote the independence of the Elections Commission; (g) to promote dialogue between the Government of Liberia, the United Nations and the international community at large on matters relating to peace and security in Liberia; (h) to develop, in close cooperation with the United Nations country team and other international partners, a peacebuilding strategy for Liberia in which political objectives, programme assistance and human rights considerations were fully integrated; (i) to mobilize national and international political support for such a strategy and monitor its implementation so as to ensure its continued relevance to Liberia's post-conflict peacebuilding priorities; (j) to provide substantive support and backup as appropriate to the United Nations Office in West Africa, in particular pertaining to developments in the Mano River Union subregion as they related to Liberia; (k) to engage in an educational campaign to present accurately United Nations policies and activities regarding Liberia; and (l) to develop and implement, in cooperation with the Government, sensitization/information strategies and programmes to facilitate the implementation of (a) and (g) above.

By resolution 1478 (2003) of 6 May 2003, the Council welcomed the Government of Liberia's agreement to the revised mandate.

Termination of mandate

By a letter dated 29 July 2003 addressed to the President of the Council,¹⁸¹ the Secretary-General informed the Council that, in view of the appointment of his Special Representative, and the envisaged establishment of a United Nations operation in Liberia, the mandate of UNOL would be terminated and the staff and assets absorbed by the office of his Special Representative. In his report dated 11 September 2003,¹⁸² the Secretary-General informed the Council that the major functions performed by UNOL would be transferred to the new United Nations operation in Liberia.

By a letter dated 16 September 2003 addressed to the President of the Security Council,¹⁸³ the Secretary-General informed the Council that he had decided to terminate the mandate of UNOL and stated that he intended to bring to a close the operations of UNOL as soon as the deployment of the peacekeeping mission was authorized by the Council. By resolution 1509 (2003) of 19 September 2003, the Council took note of the Secretary-General's intention to terminate the mandate of UNOL.

5. United Nations Mission in Liberia

Establishment, mandate and composition

Following the signing of the Comprehensive Peace Agreement¹⁸⁴ in Accra on 18 August 2003, which requested the United Nations to deploy a force in Liberia under Chapter VII of the Charter to support the National Transitional Government of Liberia and assist in the implementation of the Agreement, the Council adopted, on 1 August 2003, resolution 1497 (2003), by which it authorized the establishment of a multinational force in Liberia and declared its readiness to establish a follow-on United Nations stabilization force to be deployed no later than 1 October 2003.

By resolution 1509 (2003) of 19 September 2003, the Council welcomed the Secretary-General's report dated 11 September 2003¹⁸⁵ and its recommendations and, acting under Chapter VII of the Charter of the

¹⁸¹ S/2003/769.

¹⁸² S/2003/875.

¹⁸³ S/2003/899.

¹⁸⁴ S/2003/850.

¹⁸⁵ S/2003/875.

United Nations, decided to establish the United Nations Mission in Liberia (UNMIL), the stabilization force called for in resolution 1497 (2003), for a period of 12 months. By that resolution, the Council requested the Secretary-General to transfer authority from the ECOWAS Mission in Liberia (ECOMIL) forces to UNMIL on 1 October 2003.

The mandate of the Mission, as set out in resolution 1509 (2003), was (a) to support the implementation of the ceasefire agreement signed by the Liberian parties on 17 June 2003;¹⁸⁶ (b) to protect United Nations staff, facilities and civilians; (c) to facilitate support for the humanitarian and human rights assistance; (d) to provide support for security reform, including national police training and formation of a new, restructured military; and (e) to support the implementation of the peace process.

Up to 15,000 United Nations military personnel were initially authorized for UNMIL, including up to 250 military observers and 160 staff officers, and up to 1,115 civilian police officers, including formed units to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component. By resolution 1509 (2003), the Council welcomed the appointment by the Secretary-General of his Special Representative for Liberia to direct the operations of UNMIL and coordinate all United Nations activities in Liberia. The Force Commander of UNMIL was appointed through an exchange of letters between the Secretary-General and the President of the Council.¹⁸⁷

6. The United Nations Office in Angola

During the period under review, the United Nations Office in Angola (UNOA), established pursuant to resolution 1268 (1999), continued to contribute to the promotion of peace, national reconciliation, human rights and regional security.

Mandate implementation

Through an exchange of letters between the Secretary-General and the President of the Security Council,¹⁸⁸ the Representative of the Secretary-General and Head of UNOA was appointed.

On the basis of the recommendations in the report of the Secretary-General dated 11 April 2000,¹⁸⁹ the Council, by resolution 1294 (2000) of 13 April 2000, extended the mandate of UNOA until 15 October 2000.¹⁹⁰ Subsequently, on the basis of the recommendations in the reports of the Secretary-General,¹⁹¹ the Council, by a series of letters addressed to the Secretary-General,¹⁹² extended the mandate of UNOA three times, for periods of six months, the last of which was until 15 April 2002. The mandate was then extended twice more through exchanges of letters between the Secretary-General and the President of the Security Council,¹⁹³ for periods of three months and one month, respectively, until 15 August 2002.

Termination of mandate and transition to a new mission

In a report to the Council dated 26 July 2002,¹⁹⁴ the Secretary-General noted that the signing on 4 April 2002 of the memorandum of understanding to complement the Lusaka Protocol marked a new era in the Angolan peace process and presented new challenges for the United Nations presence in Angola. He recommended that the Council establish a new mission in Angola to succeed UNOA. Following the end of the final one-month extension on 15 August 2002, the mandate of UNOA was terminated,¹⁹⁵ and the Council established the United Nations Mission in Angola (UNMA) as a follow-on mission.¹⁹⁶

7. The United Nations Mission in Angola

Establishment, mandate and composition

On the basis of the report of the Secretary-General of 26 July 2002,¹⁹⁷ by resolution 1433 (2002) of 15 August 2002, the Security Council established the United Nations Mission in Angola (UNMA) for an initial period of six months, until 15 February 2003, as

¹⁸⁹ S/2000/304 and Corr. 1.

¹⁹⁰ Resolution 1294 (2000), para. 1.

¹⁹¹ S/2000/977, S/2001/351 and S/2001/956.

¹⁹² S/2000/987, S/2001/387 and S/2001/973.

¹⁹³ S/2002/411 and S/2002/412; and S/2002/768 and S/2002/769.

¹⁹⁴ S/2002/834.

¹⁹⁵ S/2002/768 and S/2002/769.

¹⁹⁶ Resolution 1433 (2002), para. 1.

¹⁹⁷ S/2002/834.

¹⁸⁶ S/2003/657.

¹⁸⁷ S/2003/926 and S/2003/927.

¹⁸⁸ S/2000/760 and S/2000/761.

a follow-on mission to the United Nations Office in Angola.¹⁹⁸

The mandate of UNMA was (a) to assist the parties in concluding the Lusaka Protocol by chairing the Joint Commission and leading the completion of the agreed list of tasks which remain pending under the Lusaka Protocol; and (b) to assist the Government of Angola in undertaking the following tasks: protection and promotion of human rights; building of institutions to consolidate peace and enhance the rule of law; provision of technical advice and support for mine action; facilitation and coordination of delivery of humanitarian assistance to vulnerable groups including internally displaced persons and families in quartering areas, with special concern for children and women; support for social and professional reintegration of the demobilized through appropriate United Nations agencies; promotion of economic recovery through relevant United Nations agencies; mobilization of resources of the international community, to include international donors conferences, as appropriate; and provision of technical assistance to the Government of Angola in the preparation of elections.¹⁹⁹

The Mission was headed by a Special Representative of the Secretary-General and was comprised of two components. The first component, under the direct supervision of the Special Representative, dealt with the political, military and human rights aspects. The second component, supervised by the Resident Coordinator, who would be concurrently designated as Deputy, dealt with humanitarian, economic recovery and development tasks, through the coordination of the work of the various United Nations agencies involved.²⁰⁰ The Special Representative was appointed through an exchange of letters between the Secretary-General and the President of the Security Council.²⁰¹

Mandate implementation Termination of mandate

In his report of 7 February 2003,²⁰² the Secretary-General stated that UNMA had completed its mandated political tasks. The United Nations agencies and

programmes had provided essential humanitarian and development assistance throughout the period covered by the mandate of the mission and had continued to work closely with the Government to implement a post-conflict strategy. However, the residual tasks foreseen under resolution 1433 (2002), including in the areas of human rights, mine action, reintegration and resettlement of ex-combatants, humanitarian assistance, economic recovery and electoral assistance, required continued attention and support. The Secretary-General, therefore, proposed that the United Nations Resident Coordinator resume the responsibility for United Nations activities in the country upon the conclusion of the mandate of UNMA on 15 February 2003, including assisting the efforts of the Government to implement the residual tasks under resolution 1433 (2002). Consequently, the mandate of UNMA was terminated on 15 February 2003, pursuant to resolution 1433 (2002), and the Office of the Resident Coordinator was strengthened for the transitional period by adding a unit under his supervision to address the residual tasks.²⁰³

8. United Nations Mission in Sierra Leone

During the period under review, the United Nations Mission in Sierra Leone (UNAMSIL), established pursuant to resolution 1270 (1999), continued to monitor and assist in the implementation of the Lomé ceasefire agreement.

Mandate implementation

By a series of resolutions,²⁰⁴ adopted on the basis of the Secretary-General's reports,²⁰⁵ the Council continuously extended the mandate of UNAMSIL for various time periods, the last of which was until 31 March 2004.

In his reports dated 6 December 1999²⁰⁶ and 11 January 2000,²⁰⁷ and in his letter dated 28 December 1999 addressed to the President of the

¹⁹⁸ Resolution 1433 (2002), para. 1.

¹⁹⁹ Resolution 1433 (2002), para. 3.

²⁰⁰ S/2002/834, para. 59.

²⁰¹ S/2002/1026 and S/2002/1027.

²⁰² S/2003/158.

²⁰³ *Ibid.*, para. 47.

²⁰⁴ Resolutions 1289 (2000), 1299 (2000), 1313 (2000), 1317 (2000), 1321 (2000), 1334 (2000), 1346 (2001), 1370 (2001), 1400 (2002), 1436 (2002) and 1470 (2003).

²⁰⁵ S/1999/1223, S/2000/13, S/2000/455, S/2000/751, S/2000/832, S/2000/1199, S/2001/228, S/2001/857, S/2002/267, S/2002/987, S/2003/321 and S/2003/863.

²⁰⁶ S/1999/1223.

²⁰⁷ S/2000/13.

Council,²⁰⁸ the Secretary-General recommended an expanded role of and increased troop deployment for UNAMSIL in the light of the deterioration of the humanitarian and security situation and the redeployment of contingents of the Military Observer Group of the Economic Community of West African States (ECOMOG), which had so far performed vital security functions. Following the Secretary-General's recommendations, the Council expanded, by resolution 1289 (2000) of 7 February 2000, the mandate of UNAMSIL to accommodate the security functions previously performed by ECOMOG and authorized the deployment of 11,100 troops to that effect. By that resolution, the Council, acting under Chapter VII of the Charter of the United Nations, further authorized UNAMSIL to take all necessary action to fulfil its additional functions and protect civilians under threat of imminent physical danger.

By a letter dated 17 May 2000 addressed to the President of the Council,²⁰⁹ the Secretary-General advised the Council that recent attacks by the Revolutionary United Front against UNAMSIL personnel had warranted a reinforcement of troops of up to 13,000 military personnel, and asked the Council to authorize this interim expansion of the force. At its 4145th meeting on 19 May 2000, the Council, acting under Chapter VII of the Charter of the United Nations, adopted resolution 1299 (2000), by which it authorized the interim reinforcement.

In subsequent reports submitted pursuant to resolution 1289 (2000),²¹⁰ the Secretary-General reported serious setbacks to the peace process, with disarmament and demobilization at a standstill, increased attacks by RUF against government forces, and the abduction and mutilation of civilians. While the solution to the conflict remained political, the Secretary-General considered a "robust and credible" international military presence indispensable to providing conducive conditions for the democratic elections agreed to under the Lomé Agreement. He therefore advised further expansion of UNAMSIL. Following the recommendations of the Secretary-General, the Council decided, by resolution 1313 (2000) of 4 August 2000, that UNAMSIL deter and decisively counter the threat of RUF attack by

responding robustly to hostile actions or threat of imminent or direct use of force, protect civilians under imminent threat of physical danger and assist the Government of Sierra Leone in the extension of State authority. To that end, the Council, by that resolution and on the basis of the Secretary-General's report and the findings of the United Nations assessment mission,²¹¹ requested the Secretary-General to provide recommendations on a new operational structure, command and control for a strengthened and expanded mission.

In his report dated 24 August 2000,²¹² the Secretary-General outlined a new concept of operations and gave recommendations as to force structure and organization. He stated that the main objectives of the Mission would be to extend State authority, restore law and order and stabilize the security situation which would require the progressive deployment of troops in a coherent operational structure and in sufficient number and density in coordination with political steps. To that effect, the Secretary-General further recommended that the Council authorize an increase to 20,500 military personnel. At its 4036th meeting, on 30 March 2001, the Council adopted resolution 1346 (2001), by which it authorized increasing the military component of the mission to a strength of 17,500 personnel, approving the Secretary-General's updated concept of operations.

In his report of 5 September 2002,²¹³ the Secretary-General outlined a phased drawdown plan and proposed adjustments to the composition of the Mission. He recommended a phased drawback beginning with the "pruning" of unessential troops and phased redeployment from areas under effective government control and the deployment of United Nations civilian police to strengthen the police force of Sierra Leone in order to avoid a security vacuum. By resolution 1436 (2002) of 24 September 2002, the Council took note of the planned adjustments to the

²⁰⁸ S/1999/1285.

²⁰⁹ S/2000/446.

²¹⁰ S/2000/455 dated 19 May 2000 and S/2000/751 dated 31 July 2000.

²¹¹ The assessment team visited Sierra Leone from 2 to 8 June 2000. In its report to the Secretary-General, the team noted a serious lack of cohesion within the mission, lack of understanding of the mandate and rules of engagement, insufficient preparation to deal with the logistical and environmental challenges of the theatre and serious shortfalls in equipment. See S/2000/751, part VIII.

²¹² S/2000/832.

²¹³ S/2002/987.

size and composition of the Mission, and supported the deployment of up to 170 United Nations civilian police.

9. United Nations Organization Mission in the Democratic Republic of the Congo

During the period under review, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), established pursuant to resolution 1279 (1999), continued to, *inter alia*, maintain liaison with the Joint Military Commission, as well as with all parties to the Ceasefire Agreement signed at Lusaka on 10 July 1999²¹⁴ to facilitate the delivery of humanitarian assistance to displaced persons, refugees, children and other affected persons.

Mandate implementation

At the 4104th meeting, on 24 February 2000, the Council, recalling the report of the Secretary-General of 17 January 2000²¹⁵ and acting under Chapter VII, adopted resolution 1291 (2000), by which it decided that, in cooperation with the Joint Military Commission, MONUC would undertake, *inter alia*, the following tasks: (a) establish and maintain continuous liaison with the field headquarters of the military forces of all the parties to the Ceasefire Agreement; (b) monitor the implementation of the Ceasefire Agreement and investigate violations of the ceasefire; (c) facilitate humanitarian assistance and human rights monitoring, with particular attention to vulnerable groups, as well as work with the parties to obtain the release of all prisoners of war, military captives and remains, in close cooperation with other agencies and organizations; (d) provide support and assistance to the Facilitator of the National Dialogue; and (e) deploy mine experts to develop a mine action plan and coordinate activities. By the same resolution, the Council also decided that MONUC might take the necessary action, in the areas of deployment of its infantry battalions and as it deemed it within its capabilities, to protect United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.

By resolution 1291 (2000), the Council also authorized the expansion of MONUC up to 5,537 military personnel, including up to 500 observers, or more, and appropriate civilian support staff in the areas of, *inter alia*, human rights, humanitarian affairs, public information, child protection, political affairs, medical support and administrative support, and requested the Secretary-General to recommend immediately any additional force requirements that might become necessary to enhance force protection.

On the basis of a letter and reports of the Secretary-General,²¹⁶ the mandate of the Mission was continuously extended, by a series of resolutions,²¹⁷ for various periods of up to one year, the last of which ended 30 July 2004.

By resolution 1355 (2001) of 15 June 2001, the Council approved the updated concept of operations²¹⁸ put forward by the Secretary-General in his report of 8 June 2001,²¹⁹ including, *inter alia*, the creation of a civilian police component and of an integrated civilian/military section to coordinate disarmament, demobilization, repatriation and reintegration operations, and authorized in that regard MONUC, consistent with the report of the Secretary-General, to assist, upon request, in the early implementation of the disarmament, demobilization, repatriation and reintegration of armed groups, and requested the Secretary-General to deploy military observers in locations where early withdrawal was implemented, with a view to monitoring the process. By that resolution, the Council also requested the Secretary-General to expand the civilian component of the Mission, in order to assign to areas in which MONUC was deployed human rights personnel, so as to establish a human rights monitoring capacity, as well as civilian political affairs and humanitarian affairs personnel.

²¹⁶ S/2000/30, S/2000/766, S/2000/888, S/2000/1156, S/2001/572, S/2002/621 and S/2003/566.

²¹⁷ Resolutions 1291 (2000), 1316 (2000), 1323 (2000), 1332 (2000), 1355 (2001), 1417 (2002), 1489 (2003) and 1493 (2003).

²¹⁸ By resolution 1332 (2000) of 14 December 2000, the Council requested the Secretary-General to submit to the Council a review of the implementation of the mandate of MONUC, including an updated concept of operations.

²¹⁹ S/2001/572.

²¹⁴ S/1999/815, annex.

²¹⁵ S/2000/30.

In the light of the signing of the Pretoria Agreement²²⁰ between the Democratic Republic of the Congo and Rwanda and the Luanda Agreement between the Democratic Republic of the Congo and Uganda concerning the withdrawal of their forces from the Democratic Republic of the Congo,²²¹ the President, on 15 August 2002, made a statement on behalf of the members of the Council,²²² requesting the Secretary-General to submit a report to recommend how MONUC, through coordination with other United Nations agencies, could assist the parties in the fulfilment of their responsibilities under the agreements. On 10 September 2002, the Secretary-General submitted a report²²³ pursuant to that request, recommending that MONUC have an active role in the monitoring and implementation of the disarmament, demobilization, repatriation and reintegration of the troops. In consideration of this new role, the Secretary-General recommended the deployment of up to 8,700 military personnel. At its 4653rd meeting on 4 December 2002, the Council adopted resolution 1445 (2002), by which it took note of the Secretary-General's report and authorized the deployment accordingly.

By a letter dated 15 May 2003 addressed to the President of the Security Council,²²⁴ the Secretary-General requested the deployment of a multinational force to address the deteriorating security situation in Bunia, the Democratic Republic of the Congo, and reinforce MONUC until a considerably reinforced United Nations presence could be deployed. On the basis of that request, the Council, acting under Chapter VII of the Charter of the United Nations, authorized, by resolution 1484 (2003) of 30 May 2003, the deployment of a multinational force for an interim period until 1 September 2003 to contribute to the

stabilization of the security conditions and the improvement of the humanitarian situation in Bunia. By that resolution, the Council also authorized the Secretary-General to deploy, within the overall authorized MONUC ceiling, a reinforced United Nations presence to Bunia, and requested him to do so by mid-August 2003.

By a letter dated 14 August 2003 addressed to the President of the Council,²²⁵ the Secretary-General informed the Council that preparations for the deployment of MONUC were well under way but recommended, in order to maintain peace and security in the area during the transition period, that the Council consider authorizing the interim multinational force to provide assistance to the MONUC troops deployed in and around Bunia. By resolution 1501 (2003) of 26 August 2003, the Council authorized the States members of the interim multinational force to provide assistance to the MONUC contingent deployed in Bunia and its immediate surroundings, if MONUC requested them to do so and if exceptional circumstances demanded it.

By resolution 1493 (2003), adopted on 28 July 2003 at its 4797th meeting, the Council authorized increasing the military strength of MONUC to 10,800 personnel and authorized MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants who might voluntarily decide to enter the disarmament, demobilization and reintegration process.²²⁶

10. United Nations Peacebuilding Support Office in Guinea-Bissau

During the period under review, the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), established pursuant to resolution 1233 (1999),²²⁷ continued to provide the political

²²⁰ Letter dated 9 August 2000 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (S/2002/914, annex). The agreement, signed on 30 July 2002 in Pretoria, concerned the dismantling of the ex-FAR and Interhamwe Forces in the Democratic Republic of the Congo.

²²¹ Signed in Luanda on 6 September 2002. The agreement concerned both the withdrawal of the Ugandan People's Defence Force (UPDF) and the normalization of relations between the Democratic Republic of the Congo and Uganda.

²²² S/PRST/2002/24.

²²³ S/2002/1005.

²²⁴ S/2003/574.

²²⁵ S/2003/821.

²²⁶ For recommendations concerning MONUC, see the second special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/566 and Corr.1) and the report of the Security Council Mission to Central Africa (S/2003/653).

²²⁷ The Office was established through an exchange of letters between the Secretary-General and the President of the Security Council (S/1999/232 and S/1999/233). By resolution 1233 (1999), the Council reiterated its

framework and leadership for harmonizing and integrating the activities of the United Nations system in Guinea-Bissau during the transitional period leading up to general and presidential elections. It also continued to facilitate, in close cooperation with the parties concerned, ECOWAS and ECOMOG as well as other national and international partners, the implementation of the Abuja Agreement.

Mandate implementation

During the period under review, a new Special Representative of the Secretary-General in Guinea-Bissau and Chief of UNOGBIS was appointed through an exchange of letters²²⁸ between the Secretary-General and the President of the Council.

During the period under review, the mandate of UNOGBIS was extended five times through exchanges of letters²²⁹ between the Secretary-General and the President of the Council.

During the period under review, the mandate of UNOGBIS was twice revised through exchanges of letters²³⁰ between the Secretary-General and the President of the Council in order to cope with the post-electoral challenges in Guinea-Bissau, to facilitate dialogue among all actors and promote national reconciliation.

11. United Nations Mission in Ethiopia and Eritrea

Establishment, mandate and composition

Following a ceasefire agreement between Ethiopia and Eritrea on 18 June 2000,²³¹ and on the

support of the decision of the Secretary-General to establish UNOGBIS.

²²⁸ S/2000/1180 and S/2000/1181.

²²⁹ S/2000/201 and S/2000/202; S/2000/941 and S/2000/942; S/2001/960 and S/2001/961; S/2002/916 and S/2002/917; and S/2003/1096 and S/2003/1097.

²³⁰ S/2000/201 and S/2000/202; and S/2003/1096 and S/2003/1097.

²³¹ On 30 May 2000, proximity talks had begun between the two parties under the chairmanship of the Minister of Justice of Algeria and the Personal Envoy of the Chairman of the Organization of African Unity in Algiers, which culminated in the Agreement on the Cessation of Hostilities (S/2000/601). On 12 December 2000, the Governments of Ethiopia and Eritrea signed the Comprehensive Peace Agreement (S/2000/1183), by which the parties agreed to permanently terminate military hostilities and respect and fully implement the

basis of the report of the Secretary-General of 30 June 2000,²³² as well as communications received from both parties,²³³ the Council adopted, at its 4181st meeting on 31 July 2000, resolution 1312 (2000), by which it decided to establish the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 31 January 2001, in anticipation of a peacekeeping operation subject to future Council authorization.²³⁴

The mandate of UNMEE, as set out in resolution 1312 (2000), was to (a) to establish and maintain liaison with the parties; (b) to visit the parties' military headquarters and other units in all areas of operation of the mission deemed necessary by the Secretary-General; (c) to establish and put into operation the mechanism for verifying the cessation of hostilities; and (d) to prepare for the establishment of the Military Coordination Commission provided for in the Cessation of Hostilities Agreement.

By resolution 1312 (2000), the Council initially authorized up to 100 military observers and the necessary civilian support staff for the Mission.

Mandate implementation

During the period under review, the Special Representative of the Secretary-General for Ethiopia and Eritrea²³⁵ and the Force Commander of UNMEE²³⁶ were appointed, and the list of States contributing military personnel to UNMEE²³⁷ was confirmed through exchanges of letters between the Secretary-General and the President of the Council.

Agreement on Cessation of Hostilities. The Agreement also provided for, inter alia, the establishment of a neutral boundary commission mandated to delimit and demarcate the colonial treaty border based on pertinent colonial treaties and applicable international law.

²³² S/2000/643.

²³³ S/2000/612 and S/2000/627.

²³⁴ By a letter dated 7 July 2000 from the President of the Security Council addressed to the Secretary-General (S/2000/676), the members of the Council had previously endorsed the Secretary-General's proposal to send a reconnaissance and liaison mission to the region to discuss with the parties and OAU a concept of operations for the mission.

²³⁵ S/2000/947 and S/2000/948.

²³⁶ S/2000/1037 and S/2000/1038.

²³⁷ S/2000/1018 and S/2000/1019.

On the basis of the reports submitted by the Secretary-General,²³⁸ the mandate of UNMEE was extended on seven occasions for additional periods of six months,²³⁹ the last of which was until 15 March 2004.

Following the signing of the Agreement on Cessation of Hostilities between Ethiopia and Eritrea in Algiers on 18 June 2000,²⁴⁰ the Secretary-General outlined, in a report dated 9 August 2000,²⁴¹ proposals for an expanded mandate for UNMEE and set out its structure and concept of operations in detail. The Secretary-General proposed that UNMEE have a mandate to monitor the cessation of hostilities; assist in the observance of the parties' security commitments; monitor and verify the redeployment of Ethiopian troops and monitor their positions once redeployed; monitor the positions of Eritrean forces to remain 25 kilometres from those positions; monitor the Temporary Security Zone (TSZ); chair the Military Coordination Committee; and coordinate and provide technical assistance for humanitarian assistance and mine action activities in the TSZ and adjacent areas. The Mission would be composed of political, military, public information, mine action and administrative components and be headed by the Secretary-General's representative. To fulfil its proposed mandate, UNMEE required 4,200 personnel including 220 military observers, three infantry battalions and the necessary support units. By resolution 1320 (2000) of 15 September 2000, the Council expanded the mandate of UNMEE accordingly and authorized the deployment within UNMEE of up to 4,200 troops until 15 March 2001. By that resolution, the Council also emphasized that the Agreement on Cessation of Hostilities between Ethiopia and Eritrea linked the termination of the United Nations peacekeeping mission with the completion of the process of delimitation and demarcation of the Ethiopian-Eritrean border and requested the Secretary-General to provide regular updates on the status of that issue.

By resolution 1430 (2002) of 14 August 2002, the Council authorized UNMEE to assist the Eritrea-

Ethiopia Boundary Commission²⁴² in the expeditious and orderly implementation of its delimitation decision including, with immediate effect, demining in key areas to support demarcation, and the provision of administrative and logistical support to its Field Offices.²⁴³

12. United Nations Mission in the Central African Republic

Until its termination, the United Nations Mission in the Central African Republic (MINURCA), established pursuant to resolution 1159 (1998), continued to supervise the final disposition of all weapons retrieved in the course of the disarmament exercise.

Termination of mandate and transition to a new mission

By resolution 1271 (1999) of 22 October 1999, the Security Council decided to extend the mandate of MINURCA until 15 February 2000, with a view to ensuring a short and gradual transition from United Nations peacekeeping to a post-conflict peacebuilding presence.²⁴⁴ The mission was therefore terminated on 15 February 2000.

13. United Nations Peacebuilding Support Office in the Central African Republic

Establishment, mandate and composition

Following the withdrawal of MINURCA, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) was established on 15 February 2000 for one year through an exchange of letters²⁴⁵ between the Secretary-General and the President of the Security Council. In a presidential statement made on 10 February 2000 on behalf of the

²³⁸ S/2000/785, S/2001/202, S/2001/843, S/2002/245, S/2002/977, S/2003/257 and S/2003/858.

²³⁹ Resolutions 1320 (2000), 1344 (2001), 1369 (2001), 1398 (2002), 1434 (2002), 1466 (2003) and 1507 (2003).

²⁴⁰ S/2000/601.

²⁴¹ S/2000/785.

²⁴² The Eritrea-Ethiopia Boundary Commission was established pursuant to the Agreement of 12 December 2000 between Eritrea and Ethiopia (S/2000/183) with a mandate to delimit and demarcate the colonial treaty border based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law.

²⁴³ For the recommendation of the Secretary-General, see his report of 10 July 2002 on Ethiopia and Eritrea (S/2002/744).

²⁴⁴ Resolution 1271 (1999), para. 1.

²⁴⁵ S/1999/1235 and S/1999/1236.

Council,²⁴⁶ the Council welcomed the decision by the Secretary-General to establish BONUCA.

The mandate of BONUCA was to support the Transitional Government's efforts to consolidate peace and national reconciliation, strengthen democratic institutions and facilitate the mobilization at the international level of political support and resources for national reconstruction and economic recovery in the country. The Office was to include a small number of military and civilian police advisers to follow up on security-related reforms and to assist in the implementation of the training programmes for the national police.²⁴⁷

Mandate implementation

During the period under review, on the basis of the recommendations of the Secretary-General,²⁴⁸ the Council decided²⁴⁹ to extend the mandate of BONUCA for four additional periods, the last of which ended 31 December 2004.

Pursuant to a request by the Security Council,²⁵⁰ the Secretary-General proposed, in his report dated 21 September 2001,²⁵¹ various measures for the strengthening of the mandate of BONUCA, particularly in the areas of the judicial system, institution-building, enhancing the effectiveness of its early-warning capabilities and human rights. By a presidential statement dated 26 September 2001,²⁵² the Council approved the revised mandate of BONUCA.

14. United Nations Mission in Côte d'Ivoire

Establishment, mandate and composition

By resolution 1479 (2003) of 13 May 2003, the Security Council decided to establish the United Nations Mission in Côte d'Ivoire (MINUCI) for an initial period of six months.²⁵³

²⁴⁶ S/PRST/2000/5.

²⁴⁷ For further details, see S/1999/35.

²⁴⁸ S/2000/943, S/2001/886, S/2002/929 and S/2003/889.

²⁴⁹ S/2000/944, S/PRST/2001/25, S/2002/930 and S/2003/890.

²⁵⁰ S/PRST/2001/18.

²⁵¹ S/2001/886.

²⁵² S/PRST/2001/25.

²⁵³ For the recommendations of the Secretary-General, see the report of 26 March 2003 on Côte d'Ivoire (S/2003/374 and Corr.1 and Add.1).

The mandate of MINUCI, as set out in resolution 1479 (2003), was to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement,²⁵⁴ complementing the operations of the French and ECOWAS forces.

By resolution 1479 (2003), the Council stressed that the military liaison group should initially be composed of 26 military officers, and that up to 50 additional officers might be deployed progressively, if security conditions permitted, and approved the establishment of a small support staff for the Special Representative. The Chief Military Liaison Officer of MINUCI was appointed through an exchange of letters²⁵⁵ between the Secretary-General and the President of the Council.

Mandate implementation

On the basis of the recommendations of the Secretary-General,²⁵⁶ the Council extended, by resolution 1514 (2003) of 13 November 2003, the mandate of MINUCI for a further period until 4 February 2004.

Americas

15. United Nations Civilian Police Mission in Haiti

During the period under review, the United Nations Civilian Police Mission in Haiti (MIPONUH), established pursuant to resolution 1141 (1997), continued to assist the Government of Haiti in the professionalization of the Haitian National Police.

Mandate implementation

Termination of mandate

In his report of 25 February 2000,²⁵⁷ the Secretary-General stated that by early February 2000, the withdrawal plans for the Mission's civilian police personnel had been finalized and their repatriation was

²⁵⁴ The Linas-Marcoussis Agreement was signed in January 2003 by all Ivorian political forces. For details, see S/2003/99, annex 1.

²⁵⁵ S/2003/606 and S/2003/607.

²⁵⁶ S/2003/1069.

²⁵⁷ S/2000/150.

expected to be concluded by 15 March 2000.²⁵⁸ By a presidential statement on 15 March 2000,²⁵⁹ the Council commended the Secretary-General for ensuring a phased transition from MIPONUH to the International Civilian Support Mission in Haiti (MICAH).²⁶⁰

Asia

16. The United Nations Assistance Mission in Afghanistan

Establishment, mandate and composition

On the basis of the report of the Secretary-General of 18 March 2002,²⁶¹ by resolution 1401 (2002) of 28 March 2002, the Security Council established the United Nations Assistance Mission in Afghanistan (UNAMA), for an initial period of 12 months.

The mandate of UNAMA consisted of the following: (a) fulfilling the tasks and responsibilities, including those related to human rights, the rule of law and gender issues, entrusted to the United Nations in the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions,²⁶² endorsed in resolution 1383 (2001); (b) promoting national reconciliation and rapprochement throughout the country, through the good offices of the Secretary-General's Special Representative; and (c) managing all United Nations humanitarian relief, recovery and reconstruction activities, under the overall authority of the Special Representative of the Secretary-General and in coordination with the Interim Authority and successor administrations of Afghanistan.²⁶³

In addition to an office of the Special Representative of the Secretary-General and an administrative and logistical support component, it was proposed that the mission have two main arms, or "pillars". Each of the two pillars would be headed by a Deputy Special Representative, at the rank of Assistant Secretary-General, reporting directly to the Secretary-General's Special Representative. Pillar I dealt with political affairs. In the initial phase, pillar I consisted of approximately 30 to 40 international political/civil affairs officers, supported by teams of national staff, based at mission headquarters in Kabul and deployed in small teams (of up to four officers) to each of the seven regions. Pillar II dealt with relief, recovery and reconstruction. In the initial phase, pillar II consisted of approximately 50 international personnel, based at mission headquarters in Kabul or in the seven regional offices, and also included up to 10 international staff located in the semi-autonomous information and data management facility. The mission support component of UNAMA comprised around 100 international mission support staff, headed by a Chief Administrative Officer at the D-1 level. Fifty mission support staff were based in Kabul, with up to seven mission support staff (including security officers) deployed to each of the seven regional offices.²⁶⁴

Mandate implementation

In his report of 18 March 2003,²⁶⁵ the Secretary-General recommended that within the Office of the Special Representative in UNAMA the Military Advisory Unit be enlarged to a total of eight officers; the civilian police advisory unit be expanded to a total of eight police advisers; and that one Corrections Adviser be attached to the Office of the Special Representative. He also recommended that Pillar I, which dealt with political affairs, provide support and assistance to the Government in the preparation for national elections, including the registration of voters and coordination of international assistance, which would require the establishment of an electoral section headed by an internationally recognized senior expert supported by an appropriate team in Kabul and in the provinces.

By resolution 1471 (2003) of 28 March 2003, the Security Council welcomed the recommendations of

²⁵⁸ See S/2000/150, para. 43. The Mission had earmarked some assets to be retained in MICAH. The liquidation phase was expected to be completed by 30 June 2000.

²⁵⁹ S/PRST/2000/8.

²⁶⁰ The General Assembly, by its resolution 54/193 of 17 December 1999, decided to establish the International Civilian Support Mission in Haiti; the transition from MIPONUH to MICAH occurred on 16 March 2000.

²⁶¹ S/2002/278.

²⁶² The Agreement (Bonn Agreement) was signed in Bonn, Germany, on 5 December 2001. It established an interim Afghan Government following the fall of the Taliban and prescribed the drafting of a new constitution and the holding of general elections (S/2001/1154).

²⁶³ S/2002/278, p. 15.

²⁶⁴ S/2002/278.

²⁶⁵ S/2003/333.

the Secretary-General and endorsed his proposal that an electoral unit be established within UNAMA. The Council also extended the mandate of UNAMA for an additional period of 12 months, until 28 March 2004.

17. United Nations Military Observer Group in India and Pakistan

During the period under review, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established pursuant to resolution 47 (1949), continued to monitor the ceasefire between India and Pakistan in the State of Jammu and Kashmir on the basis of Security Council resolution 91 (1951).²⁶⁶

18. United Nations Mission of Observers in Tajikistan

During the period under review, the United Nations Mission of Observers in Tajikistan (UNMOT), established pursuant to resolution 968 (1994), continued to monitor the ceasefire agreement between the Government of Tajikistan and the United Tajik Opposition.

Termination of mandate and transition to a new mission

In his report dated 14 March 2000,²⁶⁷ the Secretary-General observed that, with the holding of the first multiparty parliamentary election in Tajikistan, the transition period envisaged in the General Agreement on the Establishment of Peace and National Accord in Tajikistan was coming to a close and thus so was the process that UNMOT had been set up to support. He therefore recommended that UNMOT withdraw when its mandate expired on 15 May 2000 in accordance with resolution 1274 (1999) of 12 November 1999. In its presidential statements of 21 March²⁶⁸ and 12 May 2000,²⁶⁹ the Council supported the intention of the Secretary-General to withdraw the Mission as scheduled, and stated that it expected the Secretary-General to inform it about the outcome of his consultations with the Government of Tajikistan on a

²⁶⁶ Since 1971, the Council has not formally discussed UNMOGIP, which is funded from the regular United Nations budget without the requirement of a periodic renewal procedure.

²⁶⁷ S/2000/214.

²⁶⁸ S/PRST/2000/9.

²⁶⁹ S/PRST/2000/17.

role for the United Nations in the period of post-conflict peacebuilding and consolidation.

Following the successful completion of its mandate, UNMOT was terminated on 15 May 2000, in accordance with the expiration of its mandate. The United Nations Tajikistan Office of Peacebuilding was subsequently established on 1 June 2000.

19. The United Nations Tajikistan Office of Peacebuilding

Establishment, mandate and composition

Prior to the withdrawal of the United Nations Mission of Observers in Tajikistan (UNMOT), in his report of 5 May 2000, the Secretary-General recommended the establishment of a peacebuilding office in Tajikistan. The Council, in a statement by the President dated 12 May 2000, expressed its appreciation to the Secretary-General for his intention to inform the Council of the modalities of the establishment and functioning of a United Nations post-conflict peacebuilding office in Tajikistan, in order to consolidate peace and promote democracy. The United Nations Tajikistan Office of Peacebuilding (UNTOP) was subsequently established through an exchange of letters between the Secretary-General and the President of the Security Council,²⁷⁰ for an initial period of one year, starting on 1 June 2000.

The mandate of UNTOP was (a) to provide the political framework and leadership for post-conflict peacebuilding activities of the United Nations system in the country, which included supporting the efforts of the Resident Coordinator and the United Nations system, including the Bretton Woods institutions, in promoting an integrated approach to the development and implementation of post-conflict peacebuilding programmes aimed at national reconstruction, economic recovery, poverty alleviation and good governance; (b) to mobilize, in close cooperation with the United Nations country team, international support for the implementation of targeted programmes aimed at strengthening the rule of law, demobilization, voluntary arms collection and employment creation for former irregular fighters; (c) to help in creating an enabling environment for consolidating peace, democracy and the rule of law; and (d) to work in liaison with the Government, political parties and other

²⁷⁰ S/2000/518 and S/2000/519.

representatives of civic society in broadening national consensus and reconciliation.²⁷¹

The United Nations Peacebuilding Support Office in Tajikistan was headed by a Representative of the Secretary-General at the D-2 level, assisted by a small team of internationally recruited professional and support staff.²⁷²

Mandate implementation

During the period under review, through exchanges of letters between the Secretary-General and the President of the Security Council, the mandate of UNTOP was extended three times for periods of one year, the last of which ended 1 June 2004.²⁷³

20. United Nations Political Office in Bougainville

During the period under review, the United Nations Political Office in Bougainville (UNPOB) continued to work in conjunction with the Peace Monitoring Group in order to monitor and report on the implementation of the Lincoln Agreement on Peace, Security and Development on Bougainville and the Arawa Agreement,²⁷⁴ including the activities of the Peace Monitoring Group in relation to its mandate; to chair the Peace Process Consultative Committee; and to assist in other areas as agreed by the parties.²⁷⁵

Mandate implementation

During the period under review, the mandate of UNPOB was extended on three occasions through exchanges of letters²⁷⁶ between the Secretary-General and the President of the Security Council for additional periods of 12 months, the last of which ended on 31 December 2003.

In a letter dated 22 October 2001,²⁷⁷ the Secretary-General informed the Council that UNPOB would perform additional functions in the area of weapons collection and disposal as spelled out in part E of the Bougainville Peace Agreement.²⁷⁸

Termination of mandate and transition to a new mission

On the basis of the recommendations of the Secretary-General,²⁷⁹ the Council endorsed a final extension of the mandate of UNPOB until 31 December 2003.

By a letter dated 19 December 2003 addressed to the President of the Council,²⁸⁰ the Secretary-General stated that, in accordance with the request of the Government of Papua New Guinea, he intended to establish a small, follow-on United Nations Observer Mission in Bougainville (UNOMB) for six months. The Office should finish the residual tasks of UNPOB and support the efforts of the parties in the transitional period leading to the elections. In a letter dated 23 December 2003 from the President of the Council addressed to the Secretary-General,²⁸¹ the Council took note of the Secretary-General's intention.

21. United Nations Transitional Administration in East Timor

The United Nations Transitional Administration in East Timor (UNTAET), established pursuant to resolution 1272 (1999), continued, *inter alia*, to administer the territory of East Timor, exercising legislative and executive authority during the transition period and to support capacity-building for self-government of East Timor.

²⁷¹ S/2000/518.

²⁷² *Ibid.*

²⁷³ S/2001/445, S/2001/446, S/2002/501, S/2002/502, S/2003/542 and S/2003/543.

²⁷⁴ The Arawa Agreement concerns the modalities of the ceasefire between the parties. See S/1998/506, annex.

²⁷⁵ The Office was established in 1998 through an exchange of letters between the Secretary-General and the President of the Security Council (S/1998/506 and S/1998/507).

²⁷⁶ S/2000/1139 and S/2000/1140, S/2001/1202 and S/2001/1203, and S/2002/1379 and 1380.

²⁷⁷ S/2001/988.

²⁷⁸ See S/2001/988, enclosure II.

²⁷⁹ S/2002/1379.

²⁸⁰ S/2003/1198.

²⁸¹ S/2003/1199.

Mandate implementation

On the basis of reports of the Secretary-General,²⁸² the Council decided twice²⁸³ during the period under review to extend the mandate of UNTAET for further periods, the last of which ended on 20 May 2002, the date of the independence of East Timor.

Termination of mandate

At the Council's 4244th meeting, held on 6 December 2000, the President made a statement²⁸⁴ on behalf of the members of the Council, by which the Council endorsed the recommendations contained in the report of the Security Council Mission to East Timor and Indonesia dated 21 November 2000,²⁸⁵ noting in particular the view of the Mission that a strong international presence would be required in East Timor after independence.

By a presidential statement dated 31 October 2001,²⁸⁶ the Council endorsed the proposal of the Constituent Assembly that independence be declared on 20 May 2002. By that statement, the Council also took note of the Secretary-General's observation²⁸⁷ that the mandate of UNTAET should be extended until independence and endorsed his plan for adjusting the size and configuration of UNTAET in the months prior to independence.

On 31 January 2002, the Council adopted resolution 1392 (2002), by which it endorsed the recommendation²⁸⁸ by the Secretary-General to extend the mandate of UNTAET until 20 May 2002, the date of independence of East Timor. By that resolution, the Council also stated it was looking forward to receiving further specific proposals from the Secretary-General for the mandate and structure for a successor United Nations mission after independence at least one month before the date of independence.

In accordance with resolution 1392 (2002), the mandate of UNTAET was terminated on 20 May 2002.

²⁸² S/2001/42 and S/2002/80.

²⁸³ Resolutions 1338 (2001) and 1392 (2002).

²⁸⁴ S/PRST/2000/39 (2000).

²⁸⁵ S/2000/1105 (2000).

²⁸⁶ S/PRST/2001/32.

²⁸⁷ See S/2001/983.

²⁸⁸ See S/2002/80.

22. United Nations Mission of Support in East Timor

Establishment, mandate and composition

By resolution 1410 (2002) of 17 May 2002, the Council decided to establish, as of 20 May 2002, and for an initial period of 12 months, the United Nations Mission of Support in East Timor (UNMISSET).

The mandate of UNMISSET, as set out in resolution 1410 (2002), was to provide assistance to core administrative structures critical to the viability and political stability of East Timor; to provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service; and to contribute to the maintenance of the external and internal security of East Timor. By that resolution, the Council also authorized UNMISSET, under Chapter VII of the Charter, to take the necessary actions, for the duration of its mandate, to fulfil its mandate.

The Mission was to be headed by a Special Representative of the Secretary-General and was to consist of a civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a civilian support group of up to 100 personnel filling core functions, a serious crimes unit and a human rights unit; a civilian police component initially comprising 1,250 officers; and a military component with an initial strength of up to 5,000 troops including 120 military observers.

Mandate implementation

By resolution 1480 (2003) of 19 May 2003, the Council extended the mandate of UNMISSET until 20 May 2004.

On 4 April 2003, the Council decided, by resolution 1473 (2003), that the composition and strength of the police component of UNMISSET and the schedule for its downsizing would be adjusted in line with the report of the Secretary-General.²⁸⁹ In addition, UNMISSET would include, *inter alia*, an internationally formed unit for one year and put greater emphasis on human rights and rule of law elements. By that resolution, the Council also decided that the schedule for the downsizing of the military component of

²⁸⁹ S/2003/243.

UNMISSET for the period ending December 2003 would be adjusted in line with the letter dated 28 March 2003²⁹⁰ from the Under-Secretary-General for Peacekeeping Operations addressed to the members of the Security Council.

Europe

23. United Nations Peacekeeping Force in Cyprus

During the period under review, the United Nations Peacekeeping Force in Cyprus (UNFICYP), established pursuant to resolution 186 (1964), continued to perform its mandate to use its best efforts to prevent a recurrence of fighting. On the basis of reports of the Secretary-General,²⁹¹ the Council successively extended, on eight occasions,²⁹² the mandate of UNFICYP for additional periods of six months, the last of which ended on 15 June 2004.

24. United Nations Observer Mission in Georgia

During the period under review, the United Nations Observer Mission in Georgia (UNOMIG), established pursuant to resolution 858 (1993), continued to verify compliance with the ceasefire agreement between the Government of Georgia and the Abkhaz authorities in Georgia, to investigate reported or alleged violations of the Agreement and to resolve or contribute to the resolution of such incidents.

Mandate implementation

The Security Council adopted eight resolutions²⁹³ on the basis of the recommendations of the Secretary-General,²⁹⁴ extending the mandate of UNOMIG for

²⁹⁰ Transmitted in a letter dated 3 April 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2003/379, annex).

²⁹¹ S/2000/496, S/2000/1138, S/2001/534, S/2001/1122, S/2002/590, S/2002/1243, S/2003/572 and S/2003/1078.

²⁹² Resolutions 1303 (2000), 1331 (2000), 1354 (2001), 1384 (2001), 1416 (2002), 1442 (2002), 1486 (2003) and 1517 (2003).

²⁹³ Resolutions 1287 (2000), 1311 (2000), 1339 (2001), 1364 (2001), 1427 (2002), 1393 (2002), 1462 (2003) and 1494 (2003).

²⁹⁴ S/2000/39, S/2000/697, S/2001/59, S/2001/713, S/2002/88, S/2002/742, S/2003/39 and S/2003/751.

additional periods of six months, the last of which ended 31 January 2004.

By resolution 1494 (2003),²⁹⁵ the Security Council endorsed the recommendations of the Secretary-General in his report of 21 July 2003 that a civilian police component of 20 officers be added to UNOMIG, inter alia, to strengthen its capacity to carry out its mandate and, in particular, to contribute to the conditions conducive to the safe and dignified return of internally displaced persons and refugees.²⁹⁶

25. United Nations Mission in Bosnia and Herzegovina

The United Nations Mission in Bosnia and Herzegovina (UNMIBH), established pursuant to resolution 1035 (1995), composed of the International Police Task Force in Bosnia and Herzegovina and a civilian office, continued to implement the reform and restructuring of law enforcement agencies in Bosnia and Herzegovina and thus to contribute to strengthening the rule of law in Bosnia and Herzegovina, as set out in the General Framework Agreement for Peace in Bosnia and Herzegovina.²⁹⁷

Mandate implementation

On the basis of reports of the Secretary-General,²⁹⁸ the Council extended the mandate of UNMIBH by a series of resolutions²⁹⁹ for various time periods, the last of which ended on 31 December 2002.

²⁹⁵ Resolution 1494 (2003), para. 17.

²⁹⁶ S/2003/751, para. 30.

²⁹⁷ Negotiated at Dayton, Ohio, and signed in Paris on 14 December 1995 (S/1995/999). It has become customary to refer to this Agreement as the "Dayton Agreement".

²⁹⁸ S/2000/529, S/2001/571 and S/2002/618.

²⁹⁹ Resolutions 1305 (2000), 1357 (2001), 1418 (2002), 1420 (2002), 1421 (2002) and 1423 (2002). The final extension of the Mission's mandate until 31 December 2002 by resolution 1423 (2002) of 12 July 2002 followed the adoption of resolution 1422 (2002) on the same day, by which the Council requested, consistent with Article 16 of the Rome Statute, that the International Criminal Court should not, for a twelve-month period starting 1 July 2002, commence or proceed with investigation or prosecution of any case that arose involving current or former officials or personnel from a contributing State not a Party to the Rome Statute over acts or omissions relating to a United Nations established or authorized operation.

Termination of mandate and transition to a new mission

By resolution 1396 (2002) of 5 March 2002, the Council welcomed the acceptance by the Steering Board of the Peace Implementation Council,³⁰⁰ on 28 February 2002, of the offer made by the European Union to provide a European Union police mission from 1 January 2003, to follow the end of the mandate of UNMIBH as part of a coordinated rule of law programme.³⁰¹

In a report dated 5 June 2002,³⁰² the Secretary-General indicated that UNMIBH was rapidly moving towards the completion of its core tasks by the end of 2002, as envisaged by the mandate implementation plan.³⁰³ The Secretary-General recommended extending the mandate of UNMIBH at an authorized strength of 1,600 police officers, to be drawn down after the 5 October general elections to 460 officers by 31 December 2002.

By resolution 1423 (2002) of 12 July 2002, the Council decided to extend the mandate of UNMIBH for an additional period terminating on 31 December 2002. It also welcomed the decision of the European Union to send the European Union Police Mission to Bosnia and Herzegovina from 1 January 2003 as well as the close coordination between the European Union, UNMIBH and the High Representative to ensure a seamless transition, and the invitation of the European Union to States that are not members of the European Union to participate in the European Union Police Mission. In accordance with that resolution and

following the successful conclusion of its mandate, UNMIBH was terminated on 31 December 2002.

26. United Nations Mission of Observers in Prevlaka

During the period under review, the United Nations Mission of Observers in Prevlaka (UNMOP), established pursuant to resolution 1038 (1996), continued to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia.

Mandate implementation

During the period under review, the Council decided, by a series of resolutions,³⁰⁴ to extend the mandate of UNMOP on the basis of the reports by the Secretary-General³⁰⁵ for additional periods, the last of which ended on 15 December 2002.

Termination of mandate

In his report dated 2 October 2002,³⁰⁶ the Secretary-General expressed his conviction that the parties would be able to narrow their remaining differences to the point where the presence of the Mission was no longer needed. In that light, and given that the area of responsibility of UNMOP had remained calm and stable for a long period of time, the Secretary-General recommended that the Security Council extend the mandate of UNMOP for a period of two months, until 15 December 2002, with the Mission preparing for its withdrawal by 31 December 2002. By resolution 1437 (2002) of 11 October 2002, the Council commended the role played by UNMOP, and authorized UNMOP to continue monitoring the demilitarization of the Prevlaka peninsula, as a final extension of its mandate, until 15 December 2002. By that resolution, the Council also requested the Secretary-General to prepare for the termination of the mandate of UNMOP on 15 December 2002 and to report to it upon the completion of the mandate of UNMOP.

³⁰⁰ Following the successful negotiation of the Dayton Agreement in November 1995, a peace implementation Conference was held in London on 8 and 9 December 1995, to mobilize international support for the Agreement. The meeting resulted in the establishment of the Peace Implementation Council. The Peace Implementation Council comprised 55 countries and agencies that support the peace process. The Steering Board members were Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States, the Presidency of the European Union, the European Commission, and the Organization of the Islamic Conference, represented by Turkey (see S/2002/230).

³⁰¹ The European Union intended also to invite States not members of the European Union to participate in the European Union Police Mission.

³⁰² S/2002/618.

³⁰³ See S/2000/529, para. 34; and S/PV.4154 and Corr.1, p. 6.

³⁰⁴ Resolutions 1285 (2000), 1307 (2000), 1335 (2001), 1362 (2001), 1387 (2001), 1424 (2002) and 1437 (2002).

³⁰⁵ S/2000/647, S/2000/661, S/2000/1251, S/2002/1, S/2002/713 and S/2002/1101.

³⁰⁶ S/2002/1101.

Pursuant to resolution 1437 (2002), the Secretary-General provided a final report³⁰⁷ on the completion of the mandate of UNMOP and stated that it was his intention to keep a small core staff for a few days beyond 15 December 2002, but not beyond 31 December 2002, to ensure that the handover was conducted in a safe and orderly fashion.

27. United Nations Interim Administration Mission in Kosovo

During the period under review, the United Nations Interim Administration Mission in Kosovo (UNMIK), established pursuant to resolution 1244 (1999), continued to work towards the establishment of fully functioning democratic provisional institutions of self-government in line with paragraph 10 of resolution 1244 (1999). The Mission monitored benchmarks which had been established by the Special Representative of the Secretary-General to measure progress in the critical areas of Kosovo's democratic provisional self-government in line with paragraph 11 (e) of resolution 1244 (1999). During the period 2000-2003, UNMIK also launched the process of transferring further responsibilities to the Kosovo Provisional Institutions of Self-Government (the Provisional Institutions), consistent with paragraph 11 of resolution 1244 (1999).³⁰⁸

Mandate implementation

During the period under review, following resolution 1244 (1999), the Security Council did not adopt any new resolutions to modify the Mission's mandate. As set out in paragraph 19 of that resolution, the Council decided to establish UNMIK for "an initial period of twelve months, to continue thereafter unless the Security Council decides otherwise." During the period 2000-2003, the Council reaffirmed by various statements,³⁰⁹ that resolution 1244 (1999) remained the basis for building Kosovo's future.³¹⁰

³⁰⁷ S/2002/1341.

³⁰⁸ S/2003/421.

³⁰⁹ S/PRST/2001/34, S/PRST/2002/11 and S/PRST/2003/1.

³¹⁰ During the period under review, the Secretary-General submitted the following reports: S/2000/177, S/2000/363, S/2000/538, S/2000/1196, S/2001/218, S/2001/565, S/2001/926, S/2002/62, S/2002/436, S/2002/779, S/2002/878, S/2002/1126, S/2003/113 and S/2003/421.

In his report of 6 June 2000, the Secretary-General informed³¹¹ the Council that the humanitarian affairs pillar would cease to exist as a formal component within the UNMIK structure by the end of June 2000, as the emergency relief need of Kosovo had been successfully met.

In his report dated 7 June 2001,³¹² the Secretary-General informed the Security Council of the formal launch within UNMIK of the new police and justice pillar on 21 May 2001. The Secretary-General welcomed the support of the Security Council regarding the creation of this new pillar as expressed by members of the Council during its 4309th meeting on 9 April 2001.³¹³

Middle East

28. United Nations Truce Supervision Organization

During the period under review, the United Nations Truce Supervision Organization (UNTSO), established pursuant to resolution 50 (1948), continued to assist and cooperate with the United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and the United Nations Interim Force in Lebanon (UNIFIL), in accordance with its terms of reference.³¹⁴

29. United Nations Disengagement Observer Force

During the period under review, the United Nations Disengagement Observer Force (UNDOF), established pursuant to resolution 350 (1974), continued to monitor the ceasefire between Israel and the Syrian Arab Republic and supervise the disengagement of Israeli and Syrian forces. On the basis of the reports of the Secretary-General,³¹⁵ the

³¹¹ S/2000/538.

³¹² S/2001/565.

³¹³ S/PV.4309.

³¹⁴ Since its establishment, the Council has assigned UNTSO different tasks without formally changing its mandate: the supervision of the General Armistice, the supervision of the ceasefire between Egypt and Israel in the Sinai, and the supervision of the truce between Israel and Lebanon and Israel and the Syrian Arab Republic, in collaboration with UNIFIL and UNDOF, respectively.

³¹⁵ S/2000/459, S/2000/1103, S/2001/1079, S/2002/542, S/2002/1328, S/2003/655 and S/2003/1148.

Council decided on eight occasions³¹⁶ to extend its mandate for additional periods, the last of which ended 30 June 2004.

30. United Nations Interim Force in Lebanon

During the period under review, the United Nations Interim Force in Lebanon (UNIFIL), established pursuant to resolutions 425 (1978) and 426 (1978), continued to fulfil its mandate to confirm the withdrawal of Israeli forces, restore international peace and security and assist the Government of Lebanon in restoring its effective authority in the area.

Mandate implementation

On the basis of the reports and interim reports by the Secretary-General,³¹⁷ and at the request of the Government of Lebanon,³¹⁸ the Council adopted, during the period under review, eight resolutions successively extending the Force's mandate for additional periods of six months, the last of which ended 31 January 2004.³¹⁹

In his report of 22 January 2001,³²⁰ the Secretary-General stated that over the last six months, UNIFIL had undergone an augmentation and carried out a major redeployment. As of 30 December 2000, UNIFIL comprised 5,800 troops and 480 civilian staff. It was assisted in its tasks by 51 military observers of UNTSO. He also observed that of the three parts of its mandate, UNIFIL had essentially completed two. It had confirmed the withdrawal of Israeli forces and assisted, to the extent it could, the Lebanese authorities as they returned to the area vacated by Israel. UNIFIL could not, however, compel the Lebanese Government to take the last step and deploy its personnel down to the Blue Line. By resolution 1337 (2001) of 30 January 2001, the Council decided to return the military personnel of UNIFIL to the operational level of about 4,500 all

ranks. By that resolution, the Council also requested the Secretary-General to submit a reconfiguration plan regarding UNIFIL and UNTSO.

Pursuant to resolution 1337 (2001), the Secretary-General submitted, in his interim report dated 30 April 2001,³²¹ a plan that envisaged the reconfiguration of UNIFIL to close to 2,000 all ranks and elaborated the tasks carried out by the unarmed military observers of UNTSO.³²² By a letter dated 18 May 2001 addressed to the Secretary-General,³²³ the Council endorsed the plan.

By resolution 1365 (2001) of 31 July 2001, the Council requested the Secretary-General to continue to take the necessary measures to implement the reconfiguration and redeployment of UNIFIL as outlined in his report of 30 April 2001, taking into account the possible reconfiguration of UNIFIL to an observer mission. By resolution 1461 (2003) of 30 January 2003, the Council took note of the completion of the reconfiguration of UNIFIL at the level of 2,000 all ranks at the end of 2002. The strength of the Force was stabilized at that level throughout the remaining period under review.³²⁴

31. United Nations Iraq-Kuwait Observation Mission

During the period under review, the United Nations Iraq-Kuwait Observation Mission (UNIKOM), established under Chapter VII pursuant to resolution 689 (1991), continued to monitor the demilitarized zone (DMZ) and the Khawr 'Abd Allah waterway between Iraq and Kuwait; to deter violations of the boundary; and to observe any hostile action mounted from the territory of one State against the other.

Mandate implementation

Prior to its termination on 6 October 2003, the Council extended the mandate of UNIKOM eight

³¹⁶ Resolutions 1300 (2000), 1328 (2000), 1351 (2001), 1381 (2001), 1415 (2002), 1451 (2002), 1488 (2003) and 1520 (2003).

³¹⁷ S/2000/28, S/2000/460, S/2000/590 and Corr.1, S/2000/718, S/2000/1049, S/2001/66, S/2001/423, S/2001/714, S/2002/55, S/2002/746, S/2003/38 and S/2003/728.

³¹⁸ S/2001/14, S/2001/677, S/2002/40, S/2002/739, S/2003/36 and S/2003/685.

³¹⁹ Resolutions 1288 (2000), 1310 (2000), 1337 (2001), 1365 (2001), 1391 (2002), 1428 (2002), 1461 (2003) and 1496 (2003).

³²⁰ S/2001/66.

³²¹ S/2001/423.

³²² *Ibid.*, paras. 6-10.

³²³ S/2001/500.

³²⁴ See S/2003/728.

times,³²⁵ in accordance with the recommendations of the Secretary-General.³²⁶

Termination of mandate

In a report dated 31 March 2003,³²⁷ the Secretary-General informed the Security Council that owing to security reasons and the fact that UNIKOM could no longer fulfil its mandate, he had decided to suspend its operations on 17 March 2003. However, a small headquarters, consisting of 12 military officers, 20 essential civilian staff and some local staff, remained in Kuwait City. The Secretary-General recommended that this residual peacekeeping presence should be maintained at an appropriate level for a further three months, until 6 July 2003, subject to any further decisions the Council might take regarding the UNIKOM mandate. By a letter dated 3 April 2003, the Council concurred with the recommended extension.

Reporting to the Council on 17 June 2003,³²⁸ the Secretary-General recommended that the residual peacekeeping presence of UNIKOM should be maintained for a final three months, until 6 October 2003, when the Mission would be closed.

On 3 July 2003, the Security Council adopted resolution 1490 (2003), whereby it decided, acting under Chapter VII of the Charter of the United Nations, to continue the mandate of UNIKOM for a final period until 6 October 2003. Furthermore, the Council decided to end the demilitarized zone extending 10 kilometres into Iraq and 5 kilometres into Kuwait from the Iraq-Kuwait border at the end of the mandate of UNIKOM on 6 October 2003. In accordance with resolution 1490 (2003), UNIKOM was closed on 6 October 2003.

32. United Nations Assistance Mission for Iraq

Establishment, mandate and composition

By resolution 1500 (2003) of 14 August 2003, the Security Council established the United Nations Assistance Mission for Iraq (UNAMI) to support the Secretary-General in the fulfilment of his mandate

under resolution 1483 (2003) in accordance with the structure and responsibilities set out in his report of 15 July 2003,³²⁹ for an initial period of 12 months.

By resolution 1483 (2003) of 22 May 2003, the Council decided that the independent responsibilities of the Special Representative of the Secretary-General for Iraq should involve, *inter alia*, coordinating activities of the United Nations in post-conflict processes in Iraq; coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq; in coordination with the Authority, assisting the people of Iraq through promoting the safe, orderly and voluntary return of refugees and displaced persons; and working with the Authority, the people of Iraq and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq.

As set out in the Secretary-General's report of 15 July 2003, and decided by the Council,³³⁰ the staff strength of UNAMI was to consist of over 300 civilian staff combined. That figure was to include international and local substantive and support personnel in Baghdad and each of the regions. The concept envisaged maximum reliance on the existing capacity and structure of the Office of the Humanitarian Coordinator and on the Humanitarian Coordinator himself. The Special Representative of the Secretary-General for Iraq was appointed through an exchange of letters³³¹ between the Secretary-General and the President of the Council.

Mandate implementation

Following a fatal terrorist attack on United Nations headquarters in Baghdad on 19 August 2003, the Secretary-General, by a letter dated 22 August 2003 addressed to the President of the Security Council,³³² informed the Council that, due to the untimely death of his Special Representative, Mr. Sergio Vieira de Mello, he had appointed, on an interim basis, Mr. Ramiro Lopes da Silva as his acting Special Representative.

³²⁵ S/2000/286, S/2000/960, S/2001/328, S/2001/936, S/2002/349, S/2002/1109 and S/2003/400, and resolution 1490 (2003), para. 1.

³²⁶ S/2000/269, S/2000/914, S/2001/287, S/2001/913, S/2002/323, S/2002/1039, S/2003/393 and S/2003/656.

³²⁷ S/2003/393.

³²⁸ S/2003/656.

³²⁹ S/2003/715.

³³⁰ Resolution 1500 (2003).

³³¹ S/2003/570 and S/2003/571.

³³² S/2003/830.

Subsequently, in a report dated 5 December 2003,³³³ the Secretary-General stated that he had decided on 4 November, following a series of attacks and the report of the Independent Panel on the Safety and Security of United Nations Personnel in Iraq, to relocate all international United Nations staff in Baghdad, many of whom had already moved, pending a comprehensive review of United Nations operations in Iraq and their security implications, leaving only a small core presence of international personnel in Erbil. Therefore, the Secretary-General informed the Council that he had decided to commence the process of establishing the United Nations Assistance Mission for Iraq by setting up the core of the Mission outside of Iraq, with the bulk of UNAMI staff located temporarily in Nicosia and additional UNAMI staff deployed to a small office in Amman and to other locations in the region, as required. He envisaged an integrated core team of approximately 40 international UNAMI staff in total, consisting of political, human rights, public information, humanitarian and developmental programme officers, as well as security and administrative/logistics support specialists, to be in place by early 2004. That number would be expected to increase to up to 60 international staff once a new Special Representative had been appointed.

F. Ad hoc commissions and ad hoc international tribunals

Ad hoc commissions

During the period under review, the Security Council continued to oversee two ad hoc commissions: the United Nations Compensation Commission established pursuant to resolution 687 (1991) and 692 (1991), and the United Nations Monitoring, Verification and Inspection Commission established pursuant to Security Council resolution 1284 (1999) and set up in 2000.

1. United Nations Compensation Commission established pursuant to resolutions 687 (1991) and 692 (1991)

During the period under review, the United Nations Compensation Commission, established by resolution 687 (1991) under Chapter VII of the Charter,

³³³ S/2003/1149.

continued to verify and evaluate the claims of loss, damage and injury to foreign Governments, national and corporations resulting from Iraq's unlawful invasion and occupation of Kuwait, and to administer the payment of compensation.³³⁴

Mandate implementation

By resolution 1330 (2000), the proceeds received by the Commission were reduced from 30 to 25 per cent, which permitted it to continue its operations uninterrupted and begin to make regular compensation payments to successful claimants. On 22 May 2003, the Council adopted resolution 1483 (2003), by which it, *inter alia*, lifted the civilian sanctions imposed on Iraq following its invasion of Kuwait in 1990 and requested the Secretary-General to terminate the oil-for-food programme within six months of the adoption of the resolution. By paragraph 21 of that resolution, the Council further reduced the levels of proceeds of all export sales of Iraqi petroleum, petroleum products and natural gas to be deposited into the Compensation Fund to 5 per cent. That requirement would be binding on the future government of Iraq, unless it was decided otherwise.

2. United Nations Monitoring, Verification and Inspection Commission established pursuant to Security Council resolution 1284 (1999)

During the period under review, the United Nations Monitoring, Verification and Inspection Commission,³³⁵ established by resolution 1284 (1999), continued to verify the compliance of Iraq with its obligations under paragraphs 8, 9 and 10 of resolution 687 (1991) to be rid of its weapons of mass destruction, and to operate a system of ongoing monitoring and verification to ascertain that Iraq did not reacquire the same weapons prohibited to it by the Security Council.

³³⁴ See resolutions 1293 (2000), 1302 (2000), 1330 (2000), 1352 (2001), 1360 (2001), 1382 (2001), 1409 (2002), 1447 (2002), 1454 (2002), 1472 (2003), 1476 (2003) and 1483 (2003).

³³⁵ Pursuant to para. 1 of resolution 1284 (1999), the United Nations Monitoring, Verification and Inspection Commission replaced the United Nations Special Commission established pursuant to paragraph 9 (b) of resolution 687 (1991). The Secretary-General outlined the organizational plan for the Commission to the Security Council in his report of 6 April 2000 (S/2000/292 and Corr.1, paras. 17-30).

Mandate implementation

By a series of resolutions,³³⁶ the Council decided to continue the provisions of resolution 986 (1995) except those contained in paragraphs 4, 11 and 12 and subject to paragraph 15 of resolution 1284 (1999), for successive periods of 180 days. During the period under review, the Commission submitted 12 quarterly reports.³³⁷

By resolution 1441 (2002) of 8 November 2002, the Council decided to afford Iraq a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council and accordingly decided to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council. By resolution 1441 (2002), the Council also decided that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq should provide to the Commission, the International Atomic Energy Agency (IAEA) and the Council, not later than 30 days from the date of that resolution, a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles and other delivery systems, including any holdings and precise locations of such weapons, components, subcomponents, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological and nuclear programmes, including any which it claimed were for purposes not related to weapon production or material. In addition, the Council decided that, by that resolution, Iraq should provide the Commission and IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including those underground, areas, facilities, buildings, equipment, records, and means of transport which they wished to inspect.

By resolution 1483 (2003) of 22 May 2003, the Council reaffirmed that Iraq must meet its disarmament

obligations, encouraged the United Kingdom and the United States to keep the Council informed of their activities in this regard, and underlined the intention of the Council to revisit the mandate of the Commission.

Ad hoc international tribunals

During the period under review, the Council continued to oversee the work of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, as set out below.

1. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolution 827 (1993) of 25 May 1993, continued its work during the period under review.

Annexes to the Statute

On 30 November 2000, pursuant to the letter from the Secretary-General addressed to the President of the Council,³³⁸ and its annexed letters from the President of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Council adopted resolution 1329 (2000) in order to enable the Tribunals to expedite the conclusion of their work at the earliest possible date. By that resolution, the Council, acting under Chapter VII, decided to amend the Statute and to enlarge the membership of the Appeals Chambers of the Tribunals. To that end, the Council decided that two additional judges should be elected as soon as possible as judges of the International Tribunal for Rwanda and also, without prejudice to Article 12, paragraph 4, of the Statute of that Tribunal, that, once elected, they should serve until the date of the expiry of the terms of office of the existing judges. The Council further decided that, once two judges had been elected and had taken up office, the President of the International Tribunal for Rwanda should, in accordance with Article 13, paragraph 3, of

³³⁶ Resolutions 1330 (2000), 1382 (2001), 1409 (2002), 1441 (2002), 1483 (2003) and 1490 (2003).

³³⁷ S/2000/516, S/2000/835, S/2000/1134, S/2001/177, S/2001/515, S/2001/833, S/2001/1126, S/2002/195, S/2002/606, S/2002/981, S/2002/1303, S/2003/232, S/2003/580, S/2003/844 and S/2003/1135.

³³⁸ S/2000/865.

the Statute of the International Tribunal for Rwanda and Article 14, paragraph 4, of the Statute of the International Tribunal for the Former Yugoslavia, take the necessary steps as soon as was practicable to assign two of the judges elected or appointed in accordance with Article 12 of the Statute of the International Tribunal for Rwanda to be members of the Appeals Chambers of the International Tribunals. The Council also requested the Secretary-General to make practical arrangements for the elections of the two additional judges.

At its 4535th meeting, on 17 May 2002, the Council adopted resolution 1411 (2002), by which the Council, acting under Chapter VII of the Charter, decided to amend the Statutes of the Tribunals. By the same resolution, the Council recognized that a person who for the purposes of membership of the Chambers of the Tribunals could be regarded as a national of more than one State should be deemed to be a national of the State in which that person ordinarily exercised civil and political rights.

At its 4061st meeting, on 14 August 2002, the Council adopted resolution 1431 (2002), by which it decided to amend articles 13 bis and 14 of the Statute of the International Tribunal for the Former Yugoslavia and to replace those articles with the provisions set out in annex II of the resolution.

At its 4760th meeting, on 19 May 2003, having considered, at the urging of the President of the International Tribunal for the Former Yugoslavia, Judge Theodor Meron,³³⁹ the letter of his predecessor, Judge Claude Jorda, the Council adopted resolution 1481 (2003). By that resolution the Council, acting under Chapter VII, decided to amend the Statute of the International Tribunal for the Former Yugoslavia by enhancing the power of ad litem judges. Article 13 quater of the Statute permitted ad litem judges to carry out pretrial work in addition to participating in the trials to which they were assigned.

³³⁹ See the letter dated 18 March 2002 from the Secretary-General addressed to the President (S/2002/304) and the letter dated 7 May 2003 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council (S/2003/530).

Election of judges

The Council, at its 4274th meeting, on 8 February 2001, in consideration of the nominations for permanent judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General and in accordance with article 13 bis, 1 (d), of the Statute of the Tribunal, adopted resolution 1340 (2001), by which it established a list of 26 candidates from which the General Assembly could elect 14 permanent judges of the Tribunal.

In consideration of the nominations for ad litem judges of the Tribunal received by the Secretary-General and in accordance with article 13 ter, 1 (d), of the Statute of the Tribunal, the Council, at its 4316th meeting, on 27 April 2001 adopted resolution 1350 (2001), by which it established a list of 64 candidates, from which the General Assembly could elect 28 ad litem judges of the Tribunal.

Appointment of the Prosecutor

At its 4819th meeting, on 4 September 2003, in accordance with article 16 (4) of the Statute of the International Tribunal for the Former Yugoslavia, the Council adopted resolution 1504 (2003), by which it appointed the Secretary-General's nominee, Mrs. Carla Del Ponte, as Prosecutor of the International Tribunal for the Former Yugoslavia with effect from 15 September 2003 for a term of four years.

Annual reports to the Security Council and the General Assembly

During the period under review, in accordance with article 34 of the Statute of the Tribunal, the President of the Tribunal submitted through the Secretary-General four annual reports³⁴⁰ of the Tribunal to the Security Council and General Assembly.

Time frame for completion of trials

By a letter dated 10 June 2002 addressed to the Secretary-General,³⁴¹ the President of the Tribunal reported on the judicial status of the International Tribunal for the Former Yugoslavia and the prospects of referring certain cases to national courts in order to complete the Tribunal's work by 2008.

³⁴⁰ S/2000/777, S/2001/865, S/2002/985 and S/2003/829.

³⁴¹ S/2002/678.

2. International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, established pursuant to Security Council resolution 955 (1994) of 8 November 1994, continued its work during the period under review.

Annexes to the Statute

At its 4240th meeting on 30 November 2000, pursuant to the letter from the Secretary-General addressed to the President of the Council³⁴² and the annexed letters from the Presidents of the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, the Council adopted resolution 1329 (2000).³⁴³

By resolution 1411 (2002), adopted at the 4535th meeting, on 17 May 2002, the Council, acting under Chapter VII of the Charter of the United Nations, decided to amend the Statutes of the Tribunals and recognized that a person who for the purposes of membership of the Chambers of the Tribunals could be regarded as a national of more than one State should be deemed to be a national of the State in which that person ordinarily exercised civil and political rights.

By a letter dated 14 September 2001 addressed to the President of the Security Council,³⁴⁴ the Secretary-General transmitted a letter dated 9 July 2001 from the President of the International Tribunal for Rwanda containing a request from the Tribunal for ad litem judges. In her report, the President of the International

Tribunal for Rwanda, Judge Navanethem Pillay, proposed the creation of a pool of 18 ad litem judges for the Tribunal, similar to the solution adopted for the judicial backlog at the International Tribunal for the Former Yugoslavia, to ensure the timely completion of the mandate of the International Tribunal for Rwanda. By a letter dated 4 March 2002 addressed to the President of the Security Council, the Secretary-General transmitted a revised summary of the request for ad litem judges.³⁴⁵

At its 4061st meeting, on 14 August 2002, the Security Council adopted resolution 1431 (2002), by which the Council, acting under Chapter VII, decided to amend the Statute of the Tribunal and to establish a pool of 18 ad litem judges.

At its 4849th meeting, on 27 October 2003, the Council adopted resolution 1512 (2003), whereby the Council, acting under Chapter VII, decided to amend the Statute of the International Tribunal for Rwanda to enhance the power of ad litem judges, pursuant to two requests by the President of the Tribunal, Judge Erik Møse, for the improvement of its judicial capacity.³⁴⁶ As amended, article 12 quater of the Statute permitted ad litem judges to carry out pretrial work in addition to participating in the trials to which they were assigned. The Council further decided to increase the number of ad litem judges that might be appointed at any one time to serve in the Trial Chambers of the Tribunal.

Election of Judges

At its 4307th meeting, on 30 March 2001, in consideration of the nominations for judges of the International Tribunal for Rwanda received by the Secretary-General and in accordance with article 12, paragraph 2 (d), of the Statute of the Tribunal, the Council adopted resolution 1347 (2001), by which it established a list of five candidates from which the General Assembly could elect the two additional judges of the Tribunal.

At its 4666th meeting, on 13 December 2002, in consideration of the nominations for permanent judges of the International Tribunal for Rwanda received by the Secretary-General and in accordance with article 12 bis, paragraph 1 (d), of the Statute of the Tribunal, the Council adopted resolution 1449 (2002), whereby it

³⁴² S/2000/865.

³⁴³ For the details of resolution 1329 (2000), see the preceding section on the International Tribunal for the Former Yugoslavia.

³⁴⁴ S/2011/764 and Corr.1, annex.

³⁴⁵ S/2002/241.

³⁴⁶ S/2003/879 and S/2003/946.

established a list of 23 candidates from which the General Assembly could elect the 11 permanent judges of the Tribunal.

At its 4745th meeting, on 29 April 2003, in consideration of the nominations for ad litem judges of the International Tribunal for Rwanda received by the Secretary-General and in accordance with article 12 quater, paragraph 1 (d), of the Statute of the Tribunal, the Council adopted resolution 1477 (2003), whereby it established a list of 35 candidates from which the General Assembly could elect 18 ad litem judges of the Tribunal.

Appointment of the Prosecutor

By resolution 1503 (2003) of 28 August 2003, the Council, convinced that the Tribunals could most efficiently and expeditiously meet their respective responsibilities if each had its own Prosecutor, amended the Statute of the International Tribunal for Rwanda and created a new position of Prosecutor for the International Tribunal for Rwanda. By resolution 1505 (2003) of 4 September 2003, the Council, in accordance with article 15 (4) of the Statute of the International Tribunal for Rwanda, appointed the nominee of the Secretary-General, Mr. Hassan Bubacar Jallow, as Prosecutor of the Tribunal with effect from 15 September 2003 for a term of four years.

Annual reports to the Security Council and to the General Assembly

During the period under review, in accordance with article 34 of the Statute of the International Tribunal for Rwanda, the President of the Tribunal submitted through the Secretary-General four annual reports³⁴⁷ of the Tribunal to the Council and the General Assembly.

Time frame for completion of trials

By resolution 1503 (2003) of 28 August 2003, the Council urged the International Tribunal for Rwanda to formalize a detailed strategy, modelled on the International Tribunal for the Former Yugoslavia Completion Strategy, to transfer cases involving intermediate- and lower-rank accused to competent national jurisdictions, as appropriate, including Rwanda, to allow the International Tribunal for Rwanda to achieve its objective of completing investigations by the end of 2004, all trial activities at first instance by the end of the 2008, and all of its work in 2010 (International Tribunal for Rwanda Completion Strategy). By a letter dated 3 October 2003 addressed to the President of the Security-Council,³⁴⁸ the Secretary-General transmitted a letter dated 29 September 2003 from the President of the International Tribunal for Rwanda, Judge Erik Møse, containing the Completion Strategy of that Tribunal.

³⁴⁷ S/2000/927, S/2001/863, S/2002/733 and S/2003/707.

³⁴⁸ S/2003/946.

Part II

Subsidiary organs of the Security Council whose mandate was completed or terminated during the period 2000-2003

<i>Subsidiary organ</i>	<i>Established by resolution/letter/ exchange of letters</i>	<i>Completion of mandate/termination^a</i>
Peacekeeping operations/political missions		
United Nations Mission in the Central African Republic (MINURCA)	Resolution 1159 (1998)	15 February 2000
United Nations Civilian Police Mission in Haiti (MIPONUH)	Resolution 1141 (1997)	15 March 2000

<i>Subsidiary organ</i>	<i>Established by resolution/letter/ exchange of letters</i>	<i>Completion of mandate/termination^a</i>
United Nations Mission of Observers in Tajikistan (UNMOT)	Resolution 968 (1994)	15 May 2000
United Nations Transitional Administration in East Timor (UNTAET)	Resolution 1272 (1999)	20 May 2002
United Nations Office in Angola (UNOA)	Resolution 1268 (1999)	15 August 2002
United Nations Mission of Observers in Prevlaka (UNMOP)	Resolution 1038 (1996)	15 December 2002
United Nations mission in Bosnia and Herzegovina (UNMIBH)	Resolution 1035 (1995)	31 December 2002
United Nations Peace-building Support Office in Liberia (UNOL)	S/1997/817	19 September 2003
United Nations Iraq-Kuwait Observation Mission (UNIKOM)	Resolution 689 (1991)	6 October 2003
United Nations Political Office in Bougainville (UNPOB)	S/1998/506 and S/1998/507	31 December 2003
Security Council committees		
Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia		7 March 2001
Security Council Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia		16 May 2001
Security Council Committee established pursuant to resolution 1160 (1998)		10 September 2001
Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola		9 December 2002
Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya		12 September 2003
Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait		21 November 2003
Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia		22 December 2003

^a For details of termination, see the relevant sections of part I.

Part III

Subsidiary organs of the Security Council proposed but not established

Note

During the period under review, there were two instances in which a subsidiary organ was formally proposed but not created. The suggestions were submitted in the form of draft resolutions and related to the situation in the Middle East, including the Palestinian question. They are set out in the case studies below.³⁴⁹

Case 1

The situation in the Middle East, including the Palestinian question

At the 4248th meeting of the Council, on 18 December 2000, during consideration of the situation in the Middle East, including the Palestinian question, the President of the Security Council drew the attention of the members to a draft resolution³⁵⁰ submitted by Bangladesh, Jamaica, Malaysia, Mali, Namibia and Tunisia. By that draft resolution, the Council would have expressed its determination to establish a United Nations Force of military and police observers to be dispatched throughout the territories occupied by Israel since 1967, with the aim of contributing to the implementation of the Sharm El-Sheikh agreements, the cessation of violence and enhancing the safety and security of Palestinian civilians. Further, it would have requested the Secretary-General to consult both sides on the

³⁴⁹ Instances in which members of the Council, during Council proceedings, or Member States, in communications to the President of the Council, proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions are not considered.

³⁵⁰ S/2000/1171.

composition, modalities of deployment and functioning of such a Force, and to report back to the Council on the force no later than 8 January 2001. The draft resolution was put to the vote and received 8 votes in favour, with 7 abstentions (Argentina, Canada, France, the Netherlands, Russian Federation, United Kingdom and United States), and was not adopted since it did not obtain the required majority.³⁵¹

Case 2

The situation in the Middle East, including the Palestinian question

At the 4305th meeting of the Security Council, held on 27 March 2001, during consideration of the item entitled “The situation in the Middle East, including the Palestinian question”, the President of the Council drew the attention of the members to a draft resolution³⁵² submitted by Bangladesh, Colombia, Jamaica, Mali, Mauritius, Singapore and Tunisia. The President, speaking in his capacity as the representative of Ukraine, recalled the voting on the draft resolution of 18 December 2000 (see case 1), as did the representative of Bangladesh. The draft resolution was put to the vote and received nine votes in favour, one vote against (United States), with four abstentions (France, Ireland, Norway and United Kingdom) and with one Council member not participating (Ukraine), but failed to be adopted owing to the negative vote of a permanent member.³⁵³

³⁵¹ See S/PV.4248.

³⁵² S/2001/270.

³⁵³ See S/PV.4305.

Chapter VI

Relations with other United Nations organs

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Introductory note

Chapter VI addresses in parts I-V, the relations of the Security Council with the other principal organs of the United Nations: the General Assembly (part I); the Economic and Social Council (part II); the Trusteeship Council (part III); the International Court of Justice (part IV); and the Secretariat (part V). It also includes, in part VI, material relating to the Military Staff Committee, which has been placed, by Articles 45, 46 and 47 of the Charter, in a special relationship with the Security Council.

Part I Relations with the General Assembly

Note

Part I concerns various aspects of the relationship between the Security Council and the General Assembly.

Section A deals with the election by the Assembly of non-permanent members of the Council. Section B considers the General Assembly's practice in making recommendations to the Council under Articles 10 and 11 of the Charter, and calling its attention under Article 11 (3) to situations which are likely to endanger international peace and security. Section C concerns the limitation imposed by Article 12 (1) on the authority of the General Assembly to make recommendations with respect to any dispute or situation while the Council is exercising the functions assigned to it by the Charter in respect of that dispute or situation. It also describes the procedure under Article 12 (2) by which the Secretary-General notifies the Assembly of matters relating to the maintenance of international peace and security which are being dealt with by the Council, and when the Council ceases to deal with them. Section D considers those instances in which a decision by the Council must be taken prior to that of the General Assembly: for example, the admission, suspension or expulsion of Members, the appointment of the Secretary-General, and the election of the Judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, respectively. Section E describes the annual and special reports submitted by the Council to the General Assembly. Lastly, section F concerns relations between the Security Council and certain subsidiary organs established by the General Assembly which have reported to or otherwise played a part in the work of the Council.

A. Election by the General Assembly of non-permanent members of the Security Council

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics,¹ the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

¹ By a letter dated 24 December 1991, the Secretary-General requested the President of the Security Council to bring to the attention of the members of the Council a letter of the same date from the representative of the Union of Soviet Socialist Republics, transmitting a letter, also of the same date, from the President of the Russian Federation, in which he informed the Secretary-General that the membership of the Union of Soviet Socialist Republics in the United Nations was being continued by the Russian Federation.

2. *The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.*

3. *Each member of the Security Council shall have one representative.*

During the period under review, in accordance with Article 23 of the Charter, the General Assembly, at each regular session, elected five non-permanent members of the Security Council to replace those members whose terms of office were to expire on 31 December of the respective year. In each instance, the Assembly elected the five non-permanent members in the course of one plenary meeting. A table of those elections is set out below.

<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected to two-year terms beginning January of the following year</i>
55/305	32nd, 10 October 2000	Colombia Ireland Mauritius Norway Singapore
56/305	23rd, 13 September 2001	Bulgaria Cameroon Guinea Mexico Syrian Arab Republic
57/402	20th, 27 September 2002	Angola Chile Germany Pakistan Spain
58/403	42nd, 23 October 2003	Algeria Benin Brazil Philippines Romania

B. Recommendations by the General Assembly to the Security Council in the form of resolutions under Articles 10 and 11 of the Charter

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. *The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.*

2. *The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.*

3. *The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.*

4. *The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.*

Note

During the period under review, the General Assembly made a number of recommendations to the Security Council, in the form of resolutions, regarding the maintenance of international peace and security. Several of the recommendations were of a general nature, touching upon the “powers and functions” of the Council under the Charter, and/or upon the general principles of cooperation in the maintenance of international peace and security. As such, they may be seen to be illustrative of the General Assembly’s recommendation-making powers under Articles 10 and 11 (1) of the Charter, respectively. A table of those recommendations is set out in section 1 below.

In other instances, the General Assembly made recommendations to the Council with regard to specific questions relating to the maintenance of international peace and security, or requesting action from the Council with regard to such questions, in accordance with Article 11 (2) of the Charter. A table of recommendations related to Article 11 (2), which concern items already in the Council’s agenda, is set out in section 2.

During the period, the General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).

1. Recommendations on matters relating to the Council's powers and functions or with regard to the general principles of cooperation in the maintenance of international peace and security

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
55/217 21 December 2000	Causes of conflict and the promotion of durable peace and sustainable development in Africa	Invites the Security Council to pursue its consideration of the follow-up to the recommendations in the areas of peace and security, with a view to ensuring coordinated and integrated implementation of the recommendations contained in the report of the Secretary-General.
56/87 12 December 2001	Implementation of the provisions of the Charter of the United Nations related to the assistance to third States affected by the application of sanctions	Renews its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventative or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;
57/25 19 November 2002		Strongly recommends that the Council continue its efforts to enhance further the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;
58/80 9 December 2003		Invites the Security Council [...] to continue to ensure, as appropriate, that: [...] (d) where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance; (e) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations.

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
57/337 annex 3 July 2003	Prevention of armed conflict	<p>Encourages the Security Council to give prompt consideration to early warning or prevention cases brought to its attention by the Secretary-General, and to use appropriate mechanisms [...] in accordance with Article 99 of the Charter of the United Nations;</p> <p>Further encourages the Security Council to keep under close review situations of potential armed conflict and to consider seriously cases of potential armed conflict brought to its attention by a State or the General Assembly or on the basis of information furnished by the Economic and Social Council;</p> <p>Recommends that the Security Council continue to mandate peacekeeping operations and include, as appropriate, peacebuilding elements therein, in such a way as to generate conditions which, to the maximum extent possible, help to avoid the recurrence of armed conflict;</p> <p>Encourages the Security Council to continue to invite the office of the United Nations Emergency Relief Coordinator and other relevant United Nations agencies to brief its members on emergency situations which it deems to represent a threat to international peace and security, and to support the implementation of protection and assistance activities by relevant United Nations agencies in accordance with their respective mandates;</p> <p>Encourages the Security Council to give, as appropriate, greater attention to gender perspectives in all its activities aimed at the prevention of armed conflict;</p> <p>Encourages the Security Council and the Economic and Social Council to strengthen their mutual cooperation and coordination, in accordance with their respective mandates, for the prevention of armed conflict.</p>

<i>General Assembly resolution</i>	<i>Item</i>	<i>Recommendation</i>
58/187 22 December 2003	Protection of human rights and fundamental freedoms while countering terrorism	Encourages the Security Council and its Counter-Terrorism Committee to continue to develop the cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism.

2. Recommendations with regard to questions relating to the maintenance of international peace and security or requesting action on such questions by the Council

<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
ES-10/7 20 October 2000	Illegal Israeli actions in Occupied East Jerusalem and the rest of the occupied Palestinian Territory	Calls upon the members of the Security Council to follow the situation closely, including the implementation of Council resolution 1322 (2000), in fulfilment of the Council's primary responsibility for the maintenance of international peace and security.

C. Practice in relation to Article 12 of the Charter

Article 12

1. *While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.*

2. *The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.*

Note

During the period under review, there was no discussion in the Security Council of the nature of the

limitation placed by Article 12 (1) upon the authority of the General Assembly to make recommendations. Neither did the Council request that the General Assembly make a recommendation in respect of a dispute or situation in accordance with the exception provided for in Article 12 (1). The General Assembly, however, after resuming the tenth emergency special session, adopted a resolution which in large part reproduced a draft resolution rejected earlier by the Security Council, owing to the negative vote of a permanent member. Thus, in effect, the Security Council and the General Assembly would have considered and made decisions on the same agenda item (case 1).

In accordance with Article 12 (2), the Secretary-General continued to notify the General Assembly of matters relative to the maintenance of international peace and security which were being dealt with by the Security Council and of matters with which the Council had ceased to deal.² The notifications were

² See notes by the Secretary-General entitled "Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations" (A/55/366, A/56/366, A/57/392 and A/58/354).

based upon the summary statement of matters of which the Security Council is seized and of the stage reached in their consideration, circulated each week to the members of the Security Council, in accordance with rule 11 of the provisional rules of procedure of the Council.³ The items in the notifications were the same as those in the summary statements for the relevant period, apart from the omission of those items not considered to relate to the maintenance of international peace and security.

The matters being dealt with by the Security Council were divided in the notifications into two categories: (a) matters discussed during the period since the last notification; and (b) other matters of which the Council remained seized, but which it had not discussed at a formal meeting since the last notification. As a matter of practice, when the Council subsequently ceased to deal with a matter listed in a notification, the Secretary-General so informed the General Assembly through the circulation of an addendum to the relevant notification. However, no such addendum was issued during the period under review.

The consent of the Council, required by Article 12 (2), was obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications. The General Assembly formally took note of the various notifications.

Case 1

At the 4828th meeting of the Security Council, held on 16 September 2003 in connection with the situation in the Middle East, including the Palestinian question, a permanent member of the Council exercised its negative vote on the text of a draft resolution.⁴ Following the meeting of the Council, the 22 members of the Arab League,⁵ supported by the Non-Aligned Movement,⁶ requested a resumption of the tenth emergency special session⁷ of the General

Assembly “in the light of the inability of the Security Council to fulfil its responsibility for the maintenance of international peace and security due to the exercise by one of its permanent members of the veto”.⁸ At the resumed tenth emergency session on the item entitled “Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian Territory”, convened on 19 September 2003 under the “Uniting for peace” formula, several speakers regretted the failure of the Security Council to discharge its responsibilities.⁹ Condemning the exercise of the veto, several speakers underscored the need for the General Assembly to “assume that responsibility” and “try to remedy what occurred in the Security Council”.¹⁰ At the end of the session, the General Assembly adopted resolution ES-10/12, which was similar in substance to the draft resolution vetoed in the Security Council, with identical provisions in two of the four paragraphs, which read:¹¹

The General Assembly,

... *Reiterates* its demand for the complete cessation of all acts of terrorism, provocation, incitement and destruction;

Demands that Israel, the occupying Power, desist from any act of deportation and cease any threat to the safety of the elected President of the Palestinian Authority.

special session shall be convened within 24 hours at the request of the Security Council or a majority of the members of the United Nations. In recent practice, requests have tended to originate from, and be supported by, regional blocs.

³ A/ES-10/237.

⁴ A/ES-10/PV.20, pp. 1-4 (Palestine); pp. 4-5 (Sudan); pp. 7-9 (Cuba); pp. 9-10 (Malaysia); pp. 12-13 (South Africa); and pp. 15-16 (Iran (Islamic Republic of)).

⁵ Ibid., pp. 1-4 (Palestine); pp. 4-5 (Sudan); pp. 7-9 (Cuba); pp. 9-10 (Malaysia); p. 11 (Russian Federation); pp. 12-13 (South Africa); and p. 20 (Chile).

⁶ Initially, draft resolution A/ES-10/L.12 was almost identical to the draft resolution submitted to the Council; however, following intensive consultations between the sponsors and the European Union, amendments to the draft resolution were introduced orally. For details, see A/ES-10/PV.20, p. 18.

³ Rule 11 reads as follows: “The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration”.

⁴ S/2003/891.

⁵ A/ES-10/237.

⁶ A/ES-10/238.

⁷ Under resolution 377 A (V) on uniting for peace, adopted by the General Assembly in 1950, an emergency

D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly

Note

On a number of matters, the Charter provides for joint decision-making by the Security Council and the General Assembly, but requires the decision by the Council to be taken first. This is the case, for instance, with respect to the admission, suspension or expulsion of Members (Articles 4, 5, and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State which is not a member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).¹² In addition, the Statutes of the International Tribunal for Rwanda¹³ and the International Tribunal for the Former Yugoslavia provide for the Council to submit a list of candidates to the General Assembly, from which the Assembly would elect the judges of the Tribunals (Article 12 of the Statute of the International Tribunal for the Former Yugoslavia; Article 13 of the Statute of the International Tribunal for Rwanda).¹⁴

Section D considers briefly Security Council practice during the period under review in relation to the admission of Members and the appointment of the Secretary-General. No questions arose concerning the conditions of accession to the Statute of the International Court of Justice.

1. Membership in the United Nations

The admission of a State to membership in the United Nations, and the suspension or expulsion of a Member State from the Organization, is effected by the General Assembly upon the recommendation of the Security Council (Articles 4 (2), 5 and 6 of the Charter). In accordance with rule 60 of its provisional rules of procedure, the Council submits to the General Assembly within specified time limits its recommendation concerning each application for membership together with a record of its discussion of the application.

During the period under review, the Council recommended the admission of four States to membership in the United Nations.¹⁵ It made no negative recommendations, requiring it to submit a special report to the General Assembly. The Council

¹² The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State that is a party to the Statute but not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute (Article 4 (3) and 69 of the Statute).

¹³ The official titles of the two Tribunals are as follows: International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994; and International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

¹⁴ The procedure for the election of judges of the Tribunals is set out in Article 13 (2), (3) and (4) of the Statute of the International Tribunal for the Former Yugoslavia and Article 12 (2), (3), (4) and (5) of the Statute of the International Tribunal for Rwanda. In each case, in accordance with the Statute, the Secretary-General forwarded to the President of the Security Council the nominations received. The Security Council then

convened a meeting, in accordance with the understanding reached in its prior consultations, and adopted a resolution establishing the list of candidates for judges. Subsequently, the President of the Security Council formally transmitted to the President of the General Assembly the text of the resolution. The Assembly then proceeded to elect the judges from the list contained in that resolution. During the period under review, the General Assembly reviewed the recommendations of the Council and elected 13 judges for the International Criminal Tribunal for Rwanda. In Respect of the International Criminal Tribunal for the Former Yugoslavia, the General Assembly recommended 14 judges and 27 ad litem judges.

¹⁵ Tuvalu (A/54/758 and Security Council resolution 1290 (2000) of 17 February 2000); Federal Republic of Yugoslavia (A/55/535 and Security Council resolution 1326 (2000) of 31 October 2000; as from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro); Timor-Leste (A/57/258 and Security Council resolution 1414 (2002) of 23 May 2002); and Switzerland (A/57/259 and Security Council resolution 1426 (2002) of 24 July 2002). For details relating to the consideration by the Council of the aforementioned applications, see chapter VII of the present Supplement.

did not discuss or recommend the suspension or expulsion of any Member.

2. Appointment of the Secretary-General

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Rule 48

... Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

In accordance with rule 48 of the provisional rules of procedure, the meetings of the Security Council to consider the question of a recommendation to the General Assembly regarding the appointment of the Secretary-General have been held in private, and the Council has voted by secret ballot. A communiqué circulated at the end of each meeting, in accordance with rule 55, has indicated the stage reached in the consideration of the recommendation. During the period under review, the Council considered and unanimously adopted a recommendation of this nature (case 2).

Case 2

At its 4337th meeting, held in private on 27 June 2001, the Security Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. Resolution 1358 (2001), recommending that Mr. Kofi Annan be appointed Secretary-General of the United Nations for a second term of office from 1 January 2001 to 31 December 2006, was adopted by acclamation.¹⁶ The nomination took place several months before the

¹⁶ This was the third time a resolution had been adopted by acclamation in the Security Council. In 1996, the Security Council adopted by acclamation resolution 1090 (1996) recommending Mr. Annan's appointment as Secretary-General of the United Nations. At the same meeting, the Council also adopted by acclamation resolution 1091 (1996), recognizing Mr. Boutros Boutros-Ghali's service to the United Nations.

expiration of his first term in office. By letter dated 27 June 2001,¹⁷ the President of the Security Council transmitted the recommendation to the President of the General Assembly.¹⁸

E. Reports of the Security Council to the General Assembly

Article 24, paragraph 3

The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 15, paragraph 1

The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

In accordance with Article 24 (3) of the Charter, during the period under review, the Security Council continued to submit annual reports to the General Assembly.¹⁹

At its 4375th meeting, the Council adopted, without a vote, its draft annual report to the General Assembly for the period from 16 June 2000 to 15 June 2001. After an explanatory statement by the Secretariat, a number of members made a statement. Noting at the outset that his delegation was not criticizing their colleagues or members of the

¹⁷ A/55/999.

¹⁸ At its 105th plenary meeting, held on 29 June 2001, the General Assembly adopted resolution 55/277, by which it appointed Mr. Kofi Annan for a second term of office.

¹⁹ Annual reports were adopted by the Security Council at the following public meetings: 55th report (covering the period 16 June 1999-15 June 2000), adopted at the 4192nd meeting held on 31 August 2000; 56th report (covering the period 16 June 2000-15 June 2001), adopted at the 4375th meeting held on 18 September 2001; 57th report (covering the period 16 June 2001-31 July 2002), adopted at the 4616th meeting held on 26 September 2002; 58th report (covering the period 1 August 2002-31 July 2003), adopted at the 4831st meeting held on 19 September 2003; 59th report (covering the period 1 August 2003 to 31 July 2004), adopted at the 5044th meeting held on 28 September 2004.

Secretariat, the representative of Singapore expressed reservations regarding the present format of the report and, echoed by the representative of Colombia, stated that it failed to achieve its objective of “illuminating the work of the Council to the General Assembly”.²⁰ Both speakers stressed that the analytical nature of the report had not been improved and looked forward to the participation of States Members of the United Nations at the General Assembly in suggesting changes to the report. At the same meeting, the President noted the decision, taken by Council members in prior consultations, to refer the matter to the Informal Working Group on Documentation and Procedural Questions, for review and possible change to the report’s format.

In a note by the President of the Security Council, dated 22 May 2002,²¹ Council members, taking into account the views expressed during the debate on the Council’s annual report at the fifty-sixth session of the General Assembly, agreed to make a number of changes to the format and content of the report. In addition, members agreed that the report presented to the General Assembly at its fifty-seventh session would cover the period from 16 June 2001 to 31 July 2002.²² Thereafter, the period of coverage for all future reports would be from 1 August of one year to 31 July of the next. The note by the President provided for an introduction to the report and the possibility for members of the Council who wished to do so to comment on the work of the Council at the meeting devoted to the adoption of the report. It also envisaged that the President of the Council for the month in which the report was presented to the Assembly would have the opportunity to make reference to the verbatim record of the Council’s discussion on the report. The note further stated that the Secretariat should post the annual report of the Security Council on the United Nations website.

The new format of the report comprised six main parts: part I provided a brief statistical description of the key activities of the Security Council in relation to all questions considered under its responsibility for the maintenance of international peace and security; part II provided a summary of the questions considered by the Security Council under its responsibility for the

maintenance of international peace and security organized by agenda item; part III dealt with “other matters” considered by the Council, such as the admission of new members, the appointment of the Secretary-General and the Council’s responsibilities regarding the election of members of the International Court of Justice; part IV provided an account of the work of the Military Staff Committee; part V contained matters that were brought to the attention of the Council but not discussed during the period covered by the report; and part VI dealt with the work of the subsidiary bodies of the Security Council.

At its 4616th meeting, held on 26 September 2002, the Security Council adopted the first draft report prepared in accordance with the provisions of the note by the President of the Council.²³ For the first time, the draft annual report was adopted at an open meeting of the Security Council during which Council members, following introductory remarks by the Secretariat, commented on the format and substance of the report before submitting it to the General Assembly. All speakers stated that they supported the report’s transformation. Speakers noted that it was “shorter, more analytical and more reflective”,²⁴ as well as “more focused and more organized”²⁵ and had become a “genuine working tool”.²⁶ The representative of Colombia noted that the new format was a concrete sign of a collective effort towards transparency and a clear signal of the Council’s intention to keep the General Assembly better informed. He further added that the new annual report was an acknowledgment of the existence of political points of connection between the two bodies.²⁷ In addition, several speakers commented on the improvement of the Council’s working methods during the period covered by the report,²⁸ with one speaker noting that the report itself clearly reflected the concrete steps taken by the Council to improve its working methods.²⁹

²⁰ S/PV.4375, pp. 2-3 (Singapore); p. 3 (Colombia).

²¹ S/2002/199.

²² Since 1970, the report had covered the period of 16 June of one year to 15 June of the next.

²³ The decision was reflected in a note by the President (S/2002/1068).

²⁴ S/PV.4616, p. 7 (France).

²⁵ *Ibid.*, p. 17 (Mauritius).

²⁶ *Ibid.*, p. 12 (Ireland).

²⁷ *Ibid.*, p. 21 (Colombia).

²⁸ *Ibid.*, pp. 2-6 (Singapore); p. 7 (France); p. 11 (China); pp. 14-15 (Mexico); p. 16 (Guinea); p. 18 (Mauritius); p. 19 (United States).

²⁹ *Ibid.*, p. 22 (Russian Federation).

At its 4831st meeting, held on 19 September 2003, the Council adopted, without a discussion or formal vote,³⁰ its draft annual report to the General Assembly for the period 1 August 2002 to 31 July 2003, together with a corrigendum containing changes requested by two Council members. In his explanatory statement,³¹ the Director of the Security Council Affairs Division noted that it was the second report prepared by the Secretariat in line with the revised format agreed upon by the Security Council in 2002. He noted that the introduction to the report was of particular interest, as it provided an analytical summary of the Council's work for the period covered.

During the period covered by this Supplement, the Council did not submit any special reports to the Assembly, under, for example, rule 60 (3) of the Council's provisional rules of procedure.³²

F. Relations with subsidiary organs established by the General Assembly

Note

Certain subsidiary organs established by the General Assembly have played a part in the work of the Security Council, either because they have been placed in a special relationship to the Council by resolution of the General Assembly, or because the Council has made use of the services of a subsidiary organ or invited its officers to participate in its meetings.

During the period under review, there was no constitutional discussion bearing on the relations between such subsidiary organs and the Security Council. Subsidiary organs still active included the following: the Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples; the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council; the Special Committee on Peacekeeping Operations; the

International Civilian Support Mission in Haiti (MICAH); and the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Those entities submitted reports and recommendations to the Security Council and/or the General Assembly. The table at the end of this section gives an account of communications from those organs to the Council.

During the period under consideration, no decisions adopted by the Security Council contained references to the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council or the Committee on the Exercise of the Inalienable Rights of the Palestinian People. However, in a presidential statement dated 20 May 2002³³ in connection with the situation in East Timor, the Council expressed its appreciation for the efforts made by the General Assembly and the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples towards East Timor's achievement of independence. In a presidential statement of 15 March 2000,³⁴ the Council commended the Secretary-General for ensuring a phased transition to the International Civilian Support Mission in Haiti. In several instances, the Council made references to the Special Committee on Peacekeeping Operations established by the General Assembly (case 3).

Occasionally, during the period under review, invitations to attend Security Council meetings were addressed to representatives of a subsidiary organ of the General Assembly (see table).³⁵ Invitations were extended as a matter of course and without any discussion. The letters of request were read into the record of the meeting by the President of the Security Council and were generally not issued as documents. During the period under consideration, the President of the Security Council attended meetings of two subsidiary organs of the General Assembly (case 4).

³⁰ See note by the President (S/2003/901).

³¹ S/PV.4831, p.2.

³² The rule provides that if the Security Council does not recommend an applicant State for membership or postpones the consideration of the application, it "shall submit a special report to the General Assembly with a complete record of the discussion".

³³ S/PRST/2002/13.

³⁴ S/PRST/2000/8.

³⁵ The participation of the representatives of these organs in meetings of the Council is also covered in chapter 3 of the present Supplement.

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Committee on the Exercise of the Inalienable Rights of the Palestinian People ^a Chairman/Acting Chairman	The situation in the Middle East, including the Palestinian question	4204th	4 October 2000
		4295th	15 March 2001
		4295th	19 March 2001
		4357th	20 August 2001
		4438th	14 December 2001
		4478th	26 February 2002
		4506th	3 April 2002
		4525th	3 May 2002
		4552nd	13 June 2002
		4588th	24 July 2002
		4614th	23 September 2002

^a The Committee on the Exercise of the Inalienable Rights of the Palestinian People is a subsidiary organ of the General Assembly.

Case 3

In a letter dated 14 February 2000 from the President of the Security Council addressed to the President of the General Assembly,³⁶ the Council informed the General Assembly that the informal working group, established by the Council to consider the report of the Secretary-General³⁷ on the protection of civilians in armed conflict, had suggested that four recommendations contained in the above-mentioned report be referred to the Special Committee on Peacekeeping Operations of the General Assembly for consideration. Therein, the Council requested the appropriate consideration by the General Assembly, and guidance on how those recommendations might be acted upon, including any views of the Special Committee with regard to other recommendations relating to peacekeeping.

At its 4130th meeting, held on 19 April 2000 in connection with the protection of civilians in armed conflict, the Council unanimously adopted resolution 1296 (2000), in which it recalled the letter from its President to the President of the General Assembly dated 14 February 2000; took note of the letter to its President from the President of the General Assembly dated 7 April 2000 transmitting a letter dated 1 April 2000 from the Chairman of the Special Committee on

Peacekeeping Operations; welcomed in that regard the work by the Committee with reference to the recommendations in the report of the Secretary-General of 8 September 1999 which related to its mandate; and encouraged the General Assembly to continue consideration of those aspects of the protection of civilians in armed conflict.³⁸

At its 4172nd meeting, held on 17 July 2000 in connection with the responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations, the Council unanimously adopted resolution 1308 (2000) by which it recognized the need to incorporate HIV/AIDS prevention awareness skills and advice in aspects of the training provided to peacekeeping personnel by the Department of Peacekeeping Operations, and welcomed the report of the United Nations Special Committee on Peacekeeping Operations of 20 March 2000, which affirmed that need and the efforts already made by the Secretariat in that regard.

In a statement by the president dated on 31 January 2001,³⁹ the Council decided to establish a Working Group of the Whole on United Nations Peacekeeping Operations, with a view to addressing generic peacekeeping issues relevant to the Council's

³⁶ S/2000/119.

³⁷ S/1999/957.

³⁸ Resolution 1296 (2000), para. 23.

³⁹ S/PRST/2001/3.

responsibilities “without prejudice to the competence of the [General Assembly] Special Committee on Peacekeeping Operations”.

In the first report of the Working Group,⁴⁰ the Chairman noted that on 10 May 2001, he had given a comprehensive briefing to the Special Committee on Peacekeeping Operations and had responded to questions raised by the members. All members of the Working Group were present at the meeting and members of the Working Group, during subsequent deliberations, considered the points made by the members of the Special Committee. In the third report of the Working Group,⁴¹ it was further noted that the Working Group had requested a meeting with the Special Committee on Peacekeeping Operations on 14 December 2001 to hear the views of a wide group of troop-contributing countries.

In a letter dated 7 March 2003 from the President of the Security Council addressed to the Secretary-General,⁴² the Council informed the Secretary-General that the Council had agreed to his proposal to consolidate the reporting on the progress of the arrangements for stand-by units in the annual report to the Special Committee on Peacekeeping Operations.

Case 4

During the period under consideration, the President of the Security Council attended the meetings of two subsidiary organs of the General Assembly.

In March 2000, the President of the Security Council and two Council members represented the Council at a meeting of the Open-Ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council. It was the first time that Council members had represented the Council at a meeting of the Working Group.⁴³ Members of the Council subsequently participated in meetings of the Working Group in 2001, 2002 and 2003.

In November 2000, the President of the Council made a statement at a meeting of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in observance of the International Day of Solidarity with the Palestinian People.⁴⁴ Conversely, the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in several meetings of the Council.⁴⁵

⁴³ S/2002/603, p. 14.

⁴⁴ A/AC.183/PV.255. During the period under review, each year, the President of the Council participated in meetings of the Committee commemorating the International Day of Solidarity with the Palestinian People (A/AC.183/PV.261, A/AC.183/PV.268 and A/AC.183/PV.276).

⁴⁵ Details concerning the participation of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People are set out in chapter 3 of the present Supplement.

⁴⁰ S/2001/546, p. 2.

⁴¹ S/2001/1335, p. 6.

⁴² S/2003/285.

Communications from subsidiary organs established by the General Assembly

Communications from the Committee on the Exercise of the Inalienable Rights of the Palestinian People

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/2000/253	24 March 2000	Letter dated 24 March 2000 from the Chairman reiterating the Committee's objection to the deletion from the list of items of which the Council is seized of matters related to the exercise of the inalienable rights of the Palestinian people, the Palestine question and the Middle East problem.
S/2000/936	2 October 2000	Letter dated 2 October 2000 from the Chairman drawing attention, to the violent confrontations between the Israel Defence Forces (IDF) and police and Palestinian worshippers at Al-Aqsa Mosque and throughout the Haram al-Sharif compound that erupted on 28 September 2000, and appealing to the Secretary-General and all the parties concerned to take the necessary steps in order to induce Israel to abide by its obligations and responsibilities under the Fourth Geneva Convention, to guarantee its respect for the Holy Places and to ensure international protection of the Palestinian people.
S/2001/207	7 March 2001	Letter dated 7 March 2001 from the Chairman drawing attention to the alarming situation in the Occupied Palestinian Territory, including Jerusalem, and raising concern over the impending fiscal crisis of the Palestinian Authority and its capacity to continue to function.
S/2001/208	7 March 2001	Letter dated 7 March 2001 from the Chairman drawing the attention of the Secretary-General to the fact that Palestinian speakers were unable to attend the United Nations Seminar on Assistance to the Palestinian People, held on 20-21 February 2001, owing to the general closure and travel restrictions imposed by Israel.
S/2001/296	24 March 2001	Letter dated 24 March 2001 from the Chairman reiterating the Committee's objection to the deletion from the list of items of which the Security Council is seized of matters relating to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East.
S/2001/335	5 April 2001	Letter dated 5 April 2001 from the Chairman drawing attention to the escalating conflict in the Occupied Palestinian Territory, including Jerusalem, and urging the Secretary-General to continue to remain actively and closely engaged with the parties, directly as well through the United Nations Special Coordinator, in an effort to end the violence and resume the dialogue between Israel and the Palestinians.
S/2001/336	5 April 2001	Letter dated 5 April 2001 from the Chairman drawing attention to the dangerously escalating conflict in the Occupied Palestinian Territory and the continuing violence on the ground and appealing to the international community to take prompt, concrete and resolute steps with a view to preventing any further exacerbation of the situation and bringing the parties back to the negotiating table.

Repertoire of the Practice of the Security Council

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/2001/390	19 April 2001	Letter dated 19 April 2001 from the Chairman drawing attention to the dangerously rapid escalation of military actions by the Israel Defence Forces in the Occupied Palestinian Territory and appealing to the international community to take prompt and decisive action to stop the violence and resume peace negotiations.
S/2001/392	19 April 2001	Letter dated 19 April 2001 from the Chairman drawing attention to the dangerously rapid escalation in the past several days of military actions by the Israel Defence Forces (IDF) in the Occupied Palestinian Territory, including Jerusalem, and urging the Secretary-General to intensify contacts with all the parties concerned in order to help bring the crisis to an end and restart the Israeli-Palestinian dialogue.
S/2001/819	22 August 2001	Letter dated 22 August 2001 from the Chairman drawing attention to the dramatic escalation of tensions and violence in and around East Jerusalem and in areas under full Palestinian control and calling upon United Nations bodies, especially the Security Council and the General Assembly, to take concrete steps aimed at addressing the continuing Israeli-Palestinian crisis.
S/2001/920	28 September 2001	Letter dated 28 September 2001 from the Chairman sharing thoughts on the anniversary of the Palestinian uprising (known as the “Al-Aqsa intifada”) and appealing to the United Nations to continue to maintain its permanent responsibility with respect to all aspects of the question of Palestine.
S/2001/1000	23 October 2001	Letter dated 23 October 2001 from the Chairman drawing attention to the worsening of the security situation in the Occupied Palestinian Territory, including Jerusalem, and appealing to the Security Council to discharge its primary responsibility for the maintenance of peace and security and act decisively in order to prevent further bloodshed and destruction.
S/2001/1147	4 December 2001	Letter dated 4 December 2001 from the Chairman drawing attention to the worsening of the security situation in the Occupied Palestinian Territory, including Jerusalem, and appealing to the Security Council to discharge its primary responsibility for the maintenance of peace and security and to engage itself in the matter to prevent further escalation of the situation.
S/2002/234	5 March 2002	Letter dated 5 March 2002 from the Chairman drawing attention to the alarming situation in the Occupied Palestinian Territory, including Jerusalem, and other areas of particular concern to the Committee.
S/2002/477	23 April 2002	Letter dated 23 April 2002 from the Chairman reiterating the Committee’s continued objection to the deletion from the list of items of which the Security Council is seized of matters relating to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East.
S/2002/933	14 August 2002	Letter dated 14 August 2002 from the Chairman drawing attention to the alarming humanitarian situation in the Occupied Palestinian Territory, including Jerusalem, and urging a prompt resumption of political negotiations.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/2003/450	21 April 2003	Letter dated 21 April 2003 from the Chairman reiterating the Committee's continued objection to the deletion from the list of items of which the Security Council is seized of matters relating to the exercise of the inalienable rights of the Palestinian people, the question of Palestine and the situation in the Middle East.
S/2003/730	17 July 2003	Letter dated 17 July 2003 from the Chairman expressing concern over the closure order by the Israeli army of the Palestine Polytechnic University and urging the Secretary-General to use his good offices with the Government of Israel to redress the situation.

Part II

Relations with the Economic and Social Council: practice in relation to Article 65 of the Charter

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Note

This part concerns the relationship between the Security Council and the Economic and Social Council. Section A considers decisions of the Council which contain references to either Article 65 of the Charter or the Economic and Social Council. Section B considers deliberations (cases 5-12) of the Council during the course of which the importance of closer ties between the two organs was stressed, particularly in the context of post-conflict peacebuilding and cooperation between their working groups.

A. Requests or references to the Economic and Social Council in decisions of the Security Council

⁴⁶

Note

During the period under consideration, the Security Council did not formally address a request for information or assistance to the Economic and Social Council. However, in its decisions, the Council made two explicit⁴⁶ references to Article 65 of the Charter. In several other decisions, in the context of different agenda items, the Council made a reference to the Economic and Social Council (see subsections 1 and 2 below).

⁴⁶ S/PRST/2000/25 and S/PRST/2002/2.

1. Resolutions containing references to the Economic and Social Council

<i>Resolution</i>	<i>Item</i>	<i>Relevant provisions</i>
1308 (2000)	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	The Council emphasized the important roles of the General Assembly and the Economic and Social Council in addressing HIV/AIDS; (<i>preambular para. 3</i>) The Security Council recalled the 28 February 2000 special meeting of the Economic and Social Council, held in partnership with the President of the Security Council, on the development aspects of the HIV/AIDS pandemic (<i>preambular para. 2</i>)
1366 (2001)	Role of the Security Council in the prevention of armed conflicts	The Security Council expressed its intention to consider cases of potential conflict brought to its attention by any Member State, or by a State not a Member of the United Nations or by the General Assembly or on the basis of information furnished by the Economic and Social Council (<i>para. 6</i>)

2. Presidential statements containing references to the Economic and Social Council

<i>Statement</i>	<i>Item</i>	<i>Relevant provisions</i>
S/PRST/2000/8	The question concerning Haiti	The Security Council recognized the success of cooperative efforts in bringing about the mandate for the new mission in Haiti and noted with satisfaction the contributions made by the General Assembly and the Economic and Social Council in that regard (<i>para. 5</i>)
S/PRST/2000/25	Role of the Security Council in the prevention of armed conflicts	The Security Council highlighted the importance of strengthening its cooperation with the Economic and Social Council, in accordance with Article 65 of the Charter of the United Nations, in the area of the prevention of armed conflicts, including in addressing the economic, social, cultural and humanitarian problems that are often the root causes of conflicts (<i>para. 9</i>)
S/PRST/2001/5	Peacebuilding: towards a comprehensive approach	To enhance further the effectiveness of the United Nations in addressing conflicts at all stages, from prevention to settlement to post-conflict peacebuilding, the Council reiterated its willingness to consider ways to improve its cooperation with other United Nations bodies and organs directly concerned by peacebuilding, in particular the General Assembly and the Economic and Social Council, which have a primary role in that field (<i>para. 15</i>)

<i>Statement</i>	<i>Item</i>	<i>Relevant provisions</i>
S/PRST/2001/16	The responsibility of the Security Council in the maintenance of international peace and security: HIV/AIDS and international peacekeeping operations	The Council recalled its resolution 1308 (2000) of 17 July 2000, in which the Council, bearing in mind its primary responsibility for the maintenance of international peace and security, and emphasizing the important roles of the General Assembly and the Economic and Social Council in addressing the social and economic factors that lead to the spread of HIV/AIDS, inter alia, recognized that the HIV/AIDS pandemic is also exacerbated by conditions of violence and instability, and stressed that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security (<i>para. 2</i>)
S/PRST/2002/2	The situation in Africa	The Council welcomed the participation of the Economic and Social Council in its public meeting on the situation in Africa, held on 29 January 2002. It reaffirmed the importance of strengthening its cooperation, through greater interaction, with the Economic and Social Council, in accordance with Article 65 of the Charter, in the area of the prevention of armed conflicts, including in addressing the economic, social, cultural and humanitarian problems (<i>para. 13</i>) The Council recognized the need for adequate measures to prevent and resolve conflicts in Africa, and would consider the setting up of an Ad Hoc Working Group to monitor the Council's recommendations and enhance coordination with the Economic and Social Council (<i>para. 17</i>)
S/PRST/2003/8	The situation in Guinea-Bissau	The Council called on the Government of Guinea-Bissau to endorse fully the partnership approach defined by the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau (<i>para. 3</i>)
S/PRST/2003/30	The situation in Burundi	The Council welcomed the recent mission of the Ad Hoc Advisory Group on Burundi of the Economic and Social Council (<i>para. 5</i>)

B. Constitutional discussion arising in connection with the Economic and Social Council

Note

The issue of relations between the Security Council and the Economic and Social Council arose frequently in Security Council debates, particularly in the context of post-conflict peacebuilding in Africa.⁴⁷

⁴⁷ Similar discussions also took place in the Economic and Social Council, including, for example, during its substantive session of 2002, a discussion of the item

During debates of the Council, emphasis was placed on the interrelation between peace and development and on the need for coordination of efforts by the Security Council, the Economic and Social Council and other

entitled "Strengthening further the Economic and Social Council, building on its recent achievements, to help it fulfil the role ascribed to it in the Charter of the United Nations as contained in the United Nations Millennium Declaration". During that discussion several speakers confirmed the need for the Economic and Social Council to deepen its cooperation and coordination with the Security Council. For details, see E/2002/SR.18, E/2002/SR.19, E/2002/SR.21, E/2002/SR.22 and E/2002/SR.23.

United Nations organs involved in conflict management. At its 4465th meeting, held on 31 January 2002 in connection with the situation in Africa, the President made a statement on behalf of the Council⁴⁸ which marked the beginning of a new phase in cooperation between the two bodies on issues before the Security Council pertaining to Africa. In the statement, the Security Council reaffirmed the importance of strengthening its cooperation with the Economic and Social Council in the prevention of armed conflicts on the continent, including addressing economic, social, cultural and humanitarian problems, and stated that it would consider the setting up of an ad hoc working group to, inter alia, enhance coordination with the Economic and Social Council. Several case studies are highlighted below, each addressing a different matter before the Security Council, with a view to outlining the evolving relationship between the Security Council and the Economic and Social Council. The case studies analysed are as follows: the impact of HIV/AIDS on peace and security in Africa (case 5); HIV/AIDS and international peacekeeping operations (case 6); the role of the Security Council in the prevention of armed conflicts (case 7); the situation in Africa (case 8); the situation in Guinea-Bissau (case 9); the situation in Burundi (case 10);

⁴⁸ S/PRST/2002/2.

Peacebuilding: towards a comprehensive approach (case 11); and food aid in the context of conflict settlement: Afghanistan and other crisis areas (case 12).

During the period under review, the interaction between the Security Council and the Economic and Social Council considerably increased in other ways. For the first time, the President of the Economic and Social Council was invited to brief the Security Council at a Council meeting.⁴⁹ Subsequently, the Council extended numerous invitations to the representatives of the Economic and Social Council to attend Security Council meetings (see table below).⁵⁰

⁴⁹ S/PV.4460.

⁵⁰ Following the 4460th meeting of the Security Council, the President of the Economic and Social Council was also invited to participate in the meetings of the Security Council Working Group on Africa (S/PV.4673, p. 11). In addition, in April 2001, the President of the Security Council proposed a joint meeting of the Security Council and Economic and Social Council to consider coordination on conflict management. The proposed joint meeting, which was in fact never convened, was retrospectively mentioned by the representative of the United Kingdom at the 4334th meeting of the Security Council (S/PV.4334, p. 10).

<i>Person invited</i>	<i>Item</i>	<i>Meeting</i>	<i>Date</i>
Mr. Ivan Šimonovič, President of the Economic and Social Council	The situation in Africa	4460	29 January 2002
		4538	22 May 2002
		4577	18 July 2002
	Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security	4630	22 October 2002
	Women and peace and security	4635	28 October 2002
Mr. Gert Rosenthal, President of the Economic and Social Council	Wrap-up discussion on the work of the Security Council for the current month	4748	30 April 2003
	The situation in Guinea-Bissau	4860	18 November 2003
	The situation in Burundi	4876	4 December 2003
Mr. Dumisani Kumalo, Chairman of the Ad Hoc Advisory Group on Guinea- Bissau	The situation in Guinea-Bissau	4776	19 June 2003

In addition, there were several instances in which a member of the Security Council was invited to participate in a meeting of the Economic and Social Council or one of its subsidiary organs.⁵¹

During the period under review, there were two occasions when the Security Council and the Economic and Social Council collaborated in their missions to the field. At the invitation of the President of the Economic and Social Council, the Chairman of the Security Council Working Group on Africa joined the Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council during its visit to Guinea-Bissau from 9 to 16 November 2002.⁵² On 27 and 28 June 2003, the Security Council mission to West Africa visited Guinea-Bissau jointly with a mission of the Ad Hoc Advisory Group.⁵³ The mission was mentioned in the presidential statement of 19 June 2003.⁵⁴

Case 5 The impact of HIV/AIDS on peace and security in Africa

At its 4087th meeting, held on 10 January 2000, the Security Council considered the impact of HIV/AIDS on peace and security in Africa. Following that meeting, in a letter dated 31 January 2000⁵⁵ addressed to the President of the Economic and Social Council, the President of the Security Council informed the former of the Security Council's 10 January meeting and conveyed the "Council's desire

to explore the possibility of further cooperative action with the Economic and Social Council".

On 28 February 2000, in response to the Council's letter, the Economic and Social Council held a meeting⁵⁶ to discuss the main development issues and concerns considered at the Security Council meeting on the impact of HIV/AIDS on peace and security in Africa.⁵⁷ At that meeting, the President of the Security Council for the month of February addressed the Economic and Social Council, asserting that the "greater coordination and systematic exchanges of information between the Economic and Social Council and the Security Council, within their respective spheres of competence, would help in the development of a common agenda and policy priorities for combating HIV/AIDS in Africa".⁵⁸ The President of the Security Council for the month of January, who also attended the meeting, stated that the Economic and Social Council and the Security Council should both ensure that all agencies of the United Nations system reassessed their capacity to incorporate HIV/AIDS control into their mandate.⁵⁹

During the meeting, speakers expressed differing views on the competence of the Security Council to address the HIV/AIDS issue. Some speakers supported a more active collaborative approach by the Security Council and the Economic and Social Council.⁶⁰ Others stressed that the Economic and Social Council had the mandate to be the forum for multilateral discussion and coordination on this issue,⁶¹ while two Member States emphasized that the place for the discussion to continue was in the General Assembly.⁶²

At its 4172nd meeting, held on 17 July 2000, the Security Council adopted resolution 1308 (2000). By that resolution, emphasizing the important role of the Economic and Social Council in addressing HIV/AIDS and recalling the 28 February 2000 special meeting of

⁵¹ For example, the Security Council Presidents for January and February 2000 attended a meeting of the Economic and Social Council, held to discuss the main development issues and concerns considered at the Security Council meeting on the impact of HIV/AIDS on peace and security in Africa (see E/2000/SR.4); the Security Council President addressed the substantive session of the Economic and Social Council on HIV/AIDS to represent the views of the Security Council on that issue (E/2002/SR.11); and the President of the Security Council participated in the commemoration by the Economic and Social Council of the tenth anniversary of the General Peace Agreement for Mozambique (E/2002/SR.43).

⁵² E/2003/8.

⁵³ The composition and terms of reference of the Ad Hoc Advisory Group mission are set out in the annex to the report of the mission (S/2003/688, annex, part B).

⁵⁴ S/PRST/2003/8.

⁵⁵ S/2000/76.

⁵⁶ E/2000/SR.4.

⁵⁷ S/PV.4087 and S/PV.4087 (Resumption 1).

⁵⁸ E/2000/SR.4, p. 2.

⁵⁹ *Ibid.*, p. 3.

⁶⁰ *Ibid.*, p. 2 (President of the Security Council for February); p. 3 (President of the Security Council for January); p. 4 (Executive Director of Joint United Nations Programme on HIV/AIDS); and p. 5 (Italy).

⁶¹ *Ibid.*, p. 2 (President of the Economic and Social Council); p. 5 (Costa Rica); p. 5 (India); and p. 8. (Brazil).

⁶² *Ibid.*, p. 5 (Cuba); and p. 7 (Ukraine).

the Economic and Social Council, held in partnership with the President of the Security Council, on the development aspects of the HIV/AIDS pandemic, the Council expressed keen interest in additional discussion among relevant United Nations bodies in order to make progress, inter alia, on the question of access to treatment and care, and on prevention.

On 3 July 2002, the President of the Security Council was invited to make a statement at the high-level segment of the Economic and Social Council substantive session on HIV/AIDS.⁶³ In his remarks, the President recalled that during the Security Council's discussion on HIV/AIDS in January 2000, its members had concurred that the Security Council should regularly share information and views with the Economic and Social Council in this regard. He also noted that the Secretary-General, in his 2002 report on prevention of armed conflict, had recognized the need for the two Councils to work more closely on conflict issues and HIV/AIDS.⁶⁴

Case 6 HIV/AIDS and international peacekeeping operations

At its 4259th meeting, held on 19 January 2001, the Security Council considered the issue of HIV/AIDS in the context of international peacekeeping operations. Differences in opinion concerning the competence of the Council to address the issue of HIV/AIDS were expressed. One member of the Council emphasized that the issue of AIDS could be addressed only in an integrated framework and in a holistic and comprehensive manner, and that the efforts of the Security Council should serve as a complement to the activities of the Economic and Social Council and the General Assembly, the United Nations funds and programmes, the specialized agencies and the Bretton Woods institutions.⁶⁵ Another speaker stated that the competence of the Security Council in this area was severely limited and that it was for the General Assembly to study and coordinate efforts to combat the epidemic and for the Economic and Social Council to assess and deal with the social and developmental effects of the disease.⁶⁶

⁶³ E/2002/SR.11.

⁶⁴ E/2002/SR.11, p. 3.

⁶⁵ S/PV.4259, p. 21 (Jamaica).

⁶⁶ S/PV.4259 (Resumption 1), p. 10 (Costa Rica).

At the 4339th meeting of the Security Council, held on 28 June 2001 in connection with the same item, the President of the Security Council made a statement on behalf of the Council.⁶⁷ In that statement, the Council recalled its resolution 1308 (2000),⁶⁸ by which the Council, bearing in mind its primary responsibility for the maintenance of international peace and security, and emphasizing the important roles of the General Assembly and the Economic and Social Council in addressing the social and economic factors that lead to the spread of HIV/AIDS, inter alia, recognized that the HIV/AIDS pandemic was also exacerbated by conditions of violence and instability, and therefore stressed that the HIV/AIDS pandemic, if unchecked, could pose a risk to stability and security. The Security Council expressed its intention to contribute, within its competence, to the attainment of the relevant objectives in the declaration adopted at the twenty-sixth special session of the General Assembly in carrying out the Council's work, and in particular, its follow-up to resolution 1308 (2000).

Case 7 Role of the Security Council in the prevention of armed conflicts

At its 4174th meeting, held on 20 July 2000, the Security Council debated its role in the prevention of armed conflict. In his opening statement, the Secretary-General stated that, in his opinion, the provisions in the Charter relating to conflict prevention had been underutilized and suggested that the Council could work more closely with other principal organs of the United Nations and obtain useful information and other assistance from the Economic and Social Council, as envisaged in Article 65 of the Charter.⁶⁹ At the close of the meeting, the President issued a statement⁷⁰ on behalf of the Council, which highlighted the importance of strengthening the Security Council's "cooperation with the Economic and Social Council, in accordance with Article 65 of the Charter of the United Nations, in the area of the prevention of armed conflicts, including in addressing the economic, social, cultural and humanitarian problems which are often the root causes of conflicts".

⁶⁷ S/PRST/2001/16.

⁶⁸ See case 5 in the present chapter.

⁶⁹ S/PV.4174, p. 3.

⁷⁰ S/PRST/2000/25.

In his report on the prevention of armed conflict,⁷¹ the Secretary-General noted that the Economic and Social Council had started to work more closely with the Security Council.⁷² He stated that a new phase in the relationship between the two organs had begun in 1998, when the Security Council had invited the Economic and Social Council to contribute to designing a long-term programme of support for Haiti. He recalled that the Council had requested the involvement of the Economic and Social Council in February 2000, when the Council proposed that the Economic and Social Council convene a meeting to discuss the impact of HIV/AIDS on peace and security in Africa. The Secretary-General also proposed a more active involvement of the Economic and Social Council in the prevention of armed conflict. Its future contribution could take place either on its own initiative or as requested by other principal organs of the United Nations. In addition, he stated that the more active involvement of the Economic and Social Council could be beneficial when the Security Council sets up regional initiatives in the prevention of armed conflict.

At its 4334th meeting, held on 21 June 2001, the Council discussed the above-mentioned report of the Secretary-General on the prevention of armed conflict. In presenting the report to the Security Council, the Deputy Secretary-General stated once again that the report called on the General Assembly and the Economic and Social Council to play a more active role in conflict prevention and to enhance their interaction with the Security Council in that field.⁷³ In the ensuing debate, several speakers stressed the need for greater interaction on conflict prevention between the Security Council and the Economic and Social Council and extended their support for the measures taken by the two organs to improve coordination.⁷⁴

At its 4360th meeting, held on 30 August 2001, the Council adopted resolution 1366 (2001), by which it undertook to keep situations of potential conflict under close review as part of a conflict-prevention

strategy and expressed its intention to consider cases of potential conflict brought to its attention on the basis, *inter alia*, of information furnished by the Economic and Social Council. It also supported the development of a system-wide coordinated and mutually supportive approach to the prevention of armed conflict and looked forward to further consideration of the report of the Secretary-General on the prevention of armed conflict by the General Assembly and the Economic and Social Council.

Case 8 **The situation in Africa**

At the 4460th meeting of the Security Council, held on 29 January 2002, the President of the Economic and Social Council stated that he hoped that the meeting taking place would help lay the foundation for greater cooperation between the Security Council and the Economic and Social Council as envisaged in the Charter of the United Nations. He also hoped that the Security Council and the Economic and Social Council could work together more effectively within the purview of the mandates set for each body by the Charter. Although underlining the independence of the two bodies, he called for an effective collaboration between them with a view to ensuring that all the United Nations actors in the field work in a complementary fashion. Finally, he expressed his intention to continue discussions with the members of the Economic and Social Council on ways to enhance cooperation with the Security Council.⁷⁵ During the ensuing debate, several speakers stressed the need for greater cooperation and dialogue between the two Councils to promote a more integrated approach to peacebuilding.⁷⁶

At the 4465th meeting of the Security Council, held on 31 January 2002, the President of the Security Council made a statement on behalf of the Council,⁷⁷ stating that the Council welcomed the participation of the Economic and Social Council in its public meeting on the situation in Africa held on 29 January 2002. It reaffirmed the importance of strengthening its

⁷¹ S/2001/574.

⁷² See S/2001/574 and Corr.1, paras. 40-44.

⁷³ S/PV.4334, p. 3.

⁷⁴ *Ibid.*, pp. 4-6 (Colombia); pp. 9-11 (United Kingdom); and pp. 24-26 (Mauritius); S/PV.4334 (Resumption 1), pp. 2-4 (Sweden, on behalf of the European Union); pp. 5-7 (Argentina); pp. 7-9 (Costa Rica); pp. 15-16 (Brazil); and pp. 24-26 (Belarus).

⁷⁵ S/PV.4460, pp. 34-35.

⁷⁶ *Ibid.*, p. 12 (Ireland); p. 21 (Democratic Republic of the Congo); and p. 34 (South Africa); S/PV.4460 (Resumption 1), p. 3 (Colombia); pp. 5-6 (Russian Federation); p. 11 (Singapore); p. 18 (Mauritius); and p. 30 (Cuba); S/PV.4460 (Resumption 2), p. 5 (Jamaica).

⁷⁷ S/PRST/2002/2.

cooperation, through greater interaction, with the Economic and Social Council, in accordance with Article 65 of the Charter of the United Nations, in the area of the prevention of armed conflicts, including in addressing the economic, social, cultural and humanitarian problems. The President also stated that the Council would consider the setting up of an ad hoc Working Group to monitor the recommendations contained in the presidential statement and to enhance coordination with the Economic and Social Council. Pursuant to the above-mentioned presidential statement, the Security Council established the Ad hoc Working Group on Conflict Prevention and Resolution in Africa, for which the mandate included, inter alia, proposing recommendations on the enhancement of cooperation between the Security Council and the Economic and Social Council.⁷⁸

At the 4538th meeting of the Security Council, held on 22 May 2002, the Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa recalled that the mandate of the Working Group included enhancing cooperation between the Security Council and the Economic and Social Council.⁷⁹ During the debate, several speakers made general and concrete suggestions for collaboration between the two Councils and their subsidiary organs, including the possibility of holding periodic meetings between the Presidents of the two Councils, convening joint meetings between the two Councils and scheduling a series of joint seminars or retreats.⁸⁰ In his statement, the President of the Economic and Social Council noted that the Economic and Social Council had functions mandated by the Charter that were at the heart of peacebuilding. He argued that the Economic and Social Council's oversight role in certain matters, such as humanitarian assistance, reconstruction and development, could enable it to promote better

integration between policy and operational dimensions, thus complementing the work of the General Assembly and the Security Council.⁸¹

At the 4577th meeting of the Security Council, held on 18 July 2002, the President of the Economic and Social Council noted that that body had recently established an Ad hoc Advisory Group on African Countries Emerging from Conflict⁸² and would be establishing additional ad hoc groups dealing with individual countries or regions. He envisaged that the ad hoc groups of both Councils would work closely together.⁸³

During the 4673rd meeting of the Security Council, held on 18 December 2002, speaking in his capacity as Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa, the representative of Mauritius briefed the Council. He stated that the Working Group's most significant achievement had been the promotion of close cooperation between the Security Council and the Economic and Social Council, which was illustrated by the joint activities of the two Councils and their subsidiary organs. He also acknowledged that there was a growing recognition that the Security Council and the Economic and Social Council should cooperate and coordinate their activities for lasting solutions to conflicts.⁸⁴

At its 4748th meeting, held on 30 April 2003, the Security Council had a wrap-up discussion of its work for the month of April, focusing in particular on conflicts in Africa, including Security Council missions and United Nations mechanisms to promote peace and security. During the debate, the President of the Economic and Social Council welcomed the increased cooperation between the Security Council and Economic and Social Council in addressing post-conflict situations. He expressed the hope that such cooperation would be repeated in the future and suggested that a potential area of cooperation between the Councils would be to deepen reciprocal support between themselves and the Bretton Woods institutions.⁸⁵

⁷⁸ The terms of reference of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa are included in a note by the President (S/2002/207).

⁷⁹ S/PV.4538, p. 4.

⁸⁰ *Ibid.*, pp. 7-8 (Permanent Observer of the Organization of African Unity); p. 12 (Benin); p. 15 (Egypt); pp. 16-17 (Algeria); p. 23 (Bangladesh); p. 27 (Australia); p. 28 (Spain); pp. 31-32 (India); and pp. 33-34 (Japan); S/PV.4538 (Resumption 1), pp. 3-5 (Gambia); p. 6 (Tunisia); pp. 8-9 (Ireland); p. 12 (Nepal); pp. 15-16 (United Kingdom); p. 20 (Morocco); p. 25 (Bahrain); p. 34 (Mali); pp. 36-37 (Mozambique); pp. 41-42 (Costa Rica); and p. 47 (Mauritius). See also the President's concluding remarks, pp. 47-49.

⁸¹ S/PV.4538, p. 6.

⁸² See *Official Records of the Economic and Social Council, Supplement No. 1 (E/2002/99)*, resolution 2002/1. See also the report of the Secretary-General on the establishment of an ad hoc advisory group on African countries emerging from conflict (E/2002/12 and Corr.1).

⁸³ S/PV.4577, p. 19.

⁸⁴ S/PV.4673, p. 11.

⁸⁵ S/PV.4748, p. 6.

Case 9**The situation in Guinea-Bissau**

By resolution 2002/304 of 25 October 2002, the Economic and Social Council established an Ad hoc Advisory Group on Guinea-Bissau. In that same resolution, the Economic and Social Council specified that the Advisory Group would invite the Chairperson of the Security Council's Ad hoc Working Group on Conflict Prevention and Resolution in Africa to participate in its work.

At the 4673rd meeting of the Security Council, held on 18 December 2002, the Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa briefed the Council. Recognizing that the Security Council and the Economic and Social Council should cooperate and coordinate better, he emphasized as a noteworthy development the active participation of the President of the Economic and Social Council in the meetings of the Working Group, and the participation of the Chairman of the Security Council Working Group on Africa in the Economic and Social Council's Ad Hoc Advisory Group on Guinea-Bissau. In his view, the Working Group could provide the vital link for the continuation of such cooperation between the Councils, and he recommended that the approach taken with respect to Guinea-Bissau could be applied to many other countries emerging from conflict. He also noted that he had participated in the joint Security Council-Economic and Social Council mission to Guinea-Bissau and stated that such joint activity illustrated the close cooperation that had been established between the two Councils.⁸⁶

In a letter dated 5 February 2003 addressed to the President of the Security Council,⁸⁷ the President of the Economic and Social Council brought to the attention of the Security Council the report of the Ad hoc Advisory Group on Guinea-Bissau and praised the Chairman of the Ad hoc Working Group on Conflict Prevention and Resolution in Africa for his active participation in the work of the Advisory Group. In addition, he invited the new Chairman to remain actively involved in the Group during 2003 and stated that he looked forward to increased interaction between the two bodies in the coming months, thereby

contributing to a comprehensive response by the United Nations to the situation in the country.⁸⁸

In a statement made at the 4766th meeting of the Security Council on 30 May 2003, the Under Secretary-General and Special Advisor on Africa suggested that the Security Council and the Economic and Social Council consider holding periodically joint meetings as a way of mobilizing international support for Africa in the areas of conflict prevention and resolution, for which the Council had a mandate, and of post-conflict economic rehabilitation, reconstruction and development, for which the Economic and Social Council had a unique responsibility.⁸⁹ In the debate that followed, the representatives of the United Kingdom and Spain expressed support for the comments made by the Special Advisor on Africa.⁹⁰

At the 4776th meeting of the Security Council, held on 19 June 2003, the Chairman of the Ad hoc Advisory Group on Guinea-Bissau of the Economic and Social Council noted that the forthcoming joint visit to Guinea-Bissau by the Security Council mission to West Africa and the Ad Hoc Advisory Group on Guinea-Bissau would provide an opportunity to convey a collective message of the need to strengthen the confidence between that country and its international partners.⁹¹

At the 4785th meeting of the Security Council, held on 9 July 2003 in connection with the Security Council mission to West Africa (26 June -5 July 2003), the heads of the Security Council mission to West Africa and Guinea-Bissau, respectively, recalled that the mission had visited Guinea-Bissau jointly with a mission of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau and welcomed such cooperation between the Security Council and the Economic and Social Council. They reaffirmed the observation contained in the mission's report that "the existing cooperation between the Security Council and

⁸⁶ S/PV.4673, pp. 10-12.

⁸⁷ S/2003/176.

⁸⁸ In a press statement (SC/7677) made by the President of the Security Council on 5 March 2003 in relation to the situation in Guinea-Bissau, the members of the Council fully endorsed the approach taken by the Ad hoc Advisory Group on Guinea-Bissau of the Economic and Social Council.

⁸⁹ S/PV.4766, p. 4.

⁹⁰ *Ibid.*, p. 7 (United Kingdom); S/PV.4766 (Resumption 1), p. 9 (Spain).

⁹¹ S/PV.4776, p. 4. The joint mission visited West Africa from 25 June to 5 July 2003.

the Economic and Social Council should be further strengthened to produce a coordinated and effective United Nations response at the intergovernmental level to the need for effective action on issues of peace and security and of sustainable development in Africa".⁹² The head of the mission to West Africa noted that it was "right and good" to have "angles" of the Economic and Social Council integrated with the mission's message, highlighting the link between economic and social issues and peace and security.⁹³ The head of the mission to Guinea-Bissau noted that cooperation gave delegates of both bodies an opportunity to observe jointly the problems of Guinea-Bissau, exchange points of view and enhance coordination, which in this case had led to a true "strategic partnership" between the Security Council and the Economic and Social Council. He further added that the two bodies, while remaining within their respective mandates, were complementary in their vision and provided a broad horizon for cooperation, especially in Africa.⁹⁴

In a statement made by the President on behalf of the Council on 25 July 2003,⁹⁵ the Council endorsed the recommendations made in the report of the Security Council mission to West Africa in connection with Guinea-Bissau,⁹⁶ including the one recommending that the Council continue collaborative initiatives with the Economic and Social Council in the area of peacebuilding in post-conflict countries.⁹⁷

Case 10 The situation in Burundi

On 17 July 2003, the Economic and Social Council established an Ad hoc Advisory Group on Burundi.⁹⁸ In a letter dated 25 August 2003, from the President of the Economic and Social Council addressed to the President of the Security Council,⁹⁹ the President noted that the newly established body would start its work shortly and would invite the Chairman of the Security Council Ad hoc Working Group on Conflict Resolution and Prevention in Africa

to participate in its work. In that context, the President praised the cooperation between the two Councils, particularly the collaboration between the Working Group and the Advisory Group on Guinea-Bissau.

At its 4876th meeting, held on 4 December 2003, in connection with the situation in Burundi, the Security Council heard a briefing by the President of the Economic and Social Council. He noted that, in providing assistance to Burundi, both the Security Council and the Economic and Social Council needed to coordinate those areas which fell within their respective competencies. In that connection, he stated that the Council could help to ensure that the African Union peacekeeping mission remained in Burundi and/or was replaced by United Nations peacekeepers, while the Economic and Social Council could provide support for the transition between rehabilitation and reconstruction as well as for long-term development. He added that support for Burundi with regard to disarmament, demobilization and reintegration of ex-combatants, as well as humanitarian assistance to help in the resettlement of refugees and internally displaced persons, was an area of responsibility which fell "somewhere in between".¹⁰⁰

Case 11 Peacebuilding: towards a comprehensive approach

At its 4272nd meeting, held on 5 February 2001, the Security Council considered the item "Peacebuilding: towards a comprehensive approach". During the debate, several speakers emphasized the need for consultations and coordination between the Security Council, the General Assembly and the Economic and Social Council, with two Member States urging joint Security Council and Economic and Social Council meetings and greater recourse to Article 65 of the Charter.¹⁰¹

At its 4278th meeting, held on 20 February 2001, in a statement made by the President on behalf of the Council,¹⁰² the Council underlined the fact that successful peacebuilding was predicated on an effective and unambiguous division of labour among all the international partners, including the United

⁹² S/2003/688, para. 77.

⁹³ S/PV.4785, p. 4.

⁹⁴ *Ibid.*, p. 5.

⁹⁵ S/PRST/2003/12.

⁹⁶ S/2003/688.

⁹⁷ *Ibid.*, para. 24.

⁹⁸ See resolution 2003/16. In a statement to the press issued on 14 August 2003, the members of the Security Council welcomed the resolution.

⁹⁹ S/2003/836.

¹⁰⁰ S/PV.4876, p. 5.

¹⁰¹ S/PV.4272, p. 29 (Mauritius); S/PV.4272 (Resumption 1), p. 26 (Malaysia).

¹⁰² S/PRST/2001/5.

Nations system, and reiterated its willingness to consider ways to improve its cooperation with other United Nations bodies and organs directly concerned by peacebuilding, particularly the General Assembly and the Economic and Social Council, which had a primary role in that field. With a view to avoiding any gap between peacekeeping and peacebuilding, the Security Council expressed its determination, where appropriate, to consult at various stages of any peacekeeping operation that includes peacebuilding elements and in particular when the operation was being established, with the State concerned and with relevant actors who were primarily responsible for coordinating and implementing aspects of peacebuilding activities, including the General Assembly and the Economic and Social Council. Although the statement made no explicit reference to Article 65 of the Charter, the Council stressed the importance of its being kept regularly informed of the progress achieved, as well as of difficulties encountered, in peacebuilding in countries where a peacekeeping operation had been mandated by the Security Council.

Case 12

Food aid in the context of conflict settlement: Afghanistan and other crisis areas

At the 4507th meeting of the Security Council, held on 4 April 2002 in connection with the item entitled “Food aid in the context of conflicts: Afghanistan and other crisis areas”, the Executive Director of the World Food Programme was invited to brief the Council. Following his statement, the representatives of the United Kingdom and the Russian Federation stressed the need for enhanced cooperation between the Security Council and the Economic and Social Council on humanitarian issues such as food aid in the context of conflict settlement.¹⁰³ According to the representative of the United Kingdom, both organs should work towards a closer and more comprehensive understanding of conflict issues in order to deal with them more effectively.¹⁰⁴ The representative of the Russian Federation, similarly, stated that the need to improve cooperation between the two organs on those issues was becoming increasingly obvious, taking into account their prerogatives and the principles of interaction enshrined in the Charter.¹⁰⁵

¹⁰³ S/PV.4507, pp. 10-11 (United Kingdom); S/PV.4507 (Resumption 1), p. 8 (Russian Federation).

¹⁰⁴ S/PV.4507, pp. 10-11.

¹⁰⁵ S/PV.4507 (Resumption 1), p. 8.

Part III Relations with the Trusteeship Council

This part concerns the relationship between the Security Council and the Trusteeship Council in relation to those trust territories designated as “a strategic area or areas”, under Articles 77 and 82 of the Charter. Article 83, paragraph 1, provides that “all functions of the United Nations” relating to strategic areas — “including the approval of the terms of the trusteeship agreement and of their alteration or amendment” — are to be exercised by the Security Council. Article 83, paragraph 2, further provides that the Security Council shall avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas”. Those supervisory functions are specified in Articles 87 and 88 of the Charter.

The Trusteeship Council completed its mandate under the Charter by way of resolution 956 (1994) of 10 November 1994. During the period under review, although remaining in force, the Trusteeship Council was inactive and did not carry on any activity.

Part IV

Relations with the International Court of Justice

Note

Part IV concerns the relationship between the Security Council and the International Court of Justice. Section A deals with the election of the members of the Court, which requires that action be taken by the Security Council in conjunction with the General Assembly, but with both organs proceeding independently. During the period under review, three rounds of elections took place (cases 13, 14 and 15). Section B covers the discussion which took place in the Security Council regarding the respective roles of the Council and the Court.

A. Practice in relation to the election of members of the International Court of Justice

Note

The procedure for the election of members of the International Court of Justice is set out in Articles 4, 8 and 10 to 14 of the Statute of the Court; rules 150 and 151 of the rules of procedure of the General Assembly; and rules 40 and 61 of the provisional rules of procedure of the Security Council.

In two of the three instances (cases 13 and 14), the Security Council began the procedure to fill a vacancy by fixing the date of the election, in accordance with Article 14 of the Court's Statute and the Council's practice, through the adoption of a resolution.¹⁰⁶ In the remaining case (case 15), relating to the election to fill regular vacancies, the Council informally set the date of the election. The Security Council and the General Assembly then proceeded independently with the elections.¹⁰⁷ At the relevant Security Council meetings, the President of the Council drew attention to a memorandum by the Secretary-General¹⁰⁸ describing the composition of the Court and setting out the procedure to be followed in the conduct of the election. He reminded the Council

that Article 10, paragraph 1 of the Court's Statute provides that, "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected", adding that the required majority in the Security Council was, therefore, eight votes. He explained further that the voting would proceed by secret ballot.

Case 13

At its 4107th meeting, on 2 March 2000, the Council met to elect a member of the International Court of Justice, in accordance with the decision contained in resolution 1278 (1999), to fill a vacancy in the Court caused by the resignation of one of its members. On the first ballot, one candidate obtained the required majority of votes in the Council. The President stated that he would communicate the result of the vote to the President of the General Assembly, and requested the Council to remain in session until the results of the voting in the Assembly had been received. Subsequently, he announced to the members of the Council that he had received a letter from the President of the Assembly informing the Council that the same candidate had received the required majority in the Assembly at its 90th plenary meeting. The candidate in question was therefore elected a member of the Court. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 2006.

Case 14

At its 4345th meeting, on 5 July 2001, the Council, in accordance with Article 14 of the Statute of the Court, considered a draft resolution¹⁰⁹ establishing a date for the election to fill a vacancy that had occurred in the International Court of Justice as the result of the resignation of one of the members of the Court. By resolution 1361 (2001), the Council decided that the election would take place on 12 October 2001.

At its 4389th meeting, on 12 October 2001, in accordance with the decision contained in resolution 1361 (2001), the Council proceeded to the election of

¹⁰⁶ See resolutions 1278 (1999) and 1361 (2001).

¹⁰⁷ For the verbatim records of the relevant Security Council meetings, see S/PV.4107, S/PV.4389 and S/PV.4629.

¹⁰⁸ See S/2000/105, S/2001/881 and S/2002/925.

¹⁰⁹ S/2001/663.

one member of the International Court of Justice to fill the seat that had become vacant as a result of the resignation of one of the members of the Court. On the first ballot, one candidate obtained the required majority. The President stated that he would communicate the result of the vote to the President of the General Assembly and requested the Council to remain in session until the results of the voting in the Assembly had been obtained. Subsequently, he announced that he had received a letter from the President of the Assembly informing the Council that the same candidate had received the required majority in the Assembly at its 24th plenary meeting. The candidate in question was therefore elected a member of the Court. As the new member was elected to replace a member whose term of office had not expired, he was elected to the remainder of his predecessor's term of office, expiring on 5 February 2006.

Case 15

At its 4629th meeting, on 21 October 2002, the Council proceeded with the election of five members of the International Court of Justice, to fill the seats which would become vacant on 6 February 2003. At the outset, the President of the Council presented the list of candidates¹¹⁰ nominated by regional groups. He drew the attention of the Council to the fact that two candidates had decided to withdraw their candidatures and, therefore, their names did not appear on the ballot papers. On the first ballot, five candidates obtained the required majority of votes in the Council. The President stated that he would communicate the result of the vote to the President of the General Assembly and requested the Council to remain in session until the results of the voting in the Assembly had been obtained. Subsequently, he announced that he had received a letter from the President of the Assembly informing the Council that the same five candidates had received the required majority in the Assembly at its 35th plenary meeting. The candidates in question were therefore elected members of the Court for a term of office of nine years, beginning on 6 February 2006.

¹¹⁰ S/2002/926.

B. Consideration of the relationship between the Security Council and the Court

Article 94 of the Charter of the United Nations

1. *Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*

2. *If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

Article 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*

2. *Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

Article 41 of the Statute of the International Court of Justice

1. *The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.*

2. *Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.*

Note

At the 4212th meeting of the Security Council, held on 31 October 2000, the President of the International Court of Justice briefed the Security Council for the first time in the Council's history.¹¹¹ Subsequently, the President of the Court briefed the Council in October 2001¹¹² and October 2002.¹¹³ All three briefings took

¹¹¹ S/PV.4212.

¹¹² S/PV.4398.

place in private under the item entitled “Briefing by Judge Gilbert Guillaume, President of the International Court of Justice”. No such briefing took place in 2003.¹¹⁴

During the period under review, there was one case concerning the application of Article 94 of the Charter (case 16) and another case concerning the application of Article 41 of the Statute of the Court (case 17).

Case 16

In a letter dated 22 January 2002 addressed to the President of the Security Council,¹¹⁵ the representative of Honduras informed the Council that El Salvador had failed to execute the International Court of Justice’s judgment of 11 September 1992, whereby it settled the land, island and maritime frontier dispute between Honduras and El Salvador. Honduras asserted that the failure of El Salvador to execute the judgment posed a challenge to the authority, validity and binding nature of the decisions of the Court. As a consequence, Honduras asked the Security Council, pursuant to Article 94 (2) of the Charter, to intervene and assist in securing the execution of and faithful compliance with the Court’s judgment.¹¹⁶

Subsequently, in a letter dated 17 September 2002, addressed to the President of the Security Council,¹¹⁷ Honduras informed the Council that Honduras and El Salvador had agreed, on 16 September 2002, to start the process of demarcation of the common boundary as defined in the decision of the Court of September 1992.¹¹⁸

Case 17

On 19 June 2000, the Democratic Republic of the Congo instituted proceedings against Uganda before the International Court of Justice in respect of a dispute concerning “acts of armed aggression perpetrated by

Uganda on the territory of the Democratic Republic of the Congo, in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity” (*Armed activities on the territory of the Congo: Democratic Republic of the Congo v. Uganda*).¹¹⁹ By its application, the Democratic Republic of the Congo sought “to secure the cessation of the acts of aggression directed against it”, which constituted “a serious threat to peace and security in central Africa in general and in the Great Lakes region in particular”. On the same day, as a matter of urgency, it also filed a request for provisional measures on the grounds that despite “promises and declarations of principle”, Uganda had “pursued its policy of aggression, brutal armed attacks and acts of oppression and looting”.¹²⁰

At the public hearings held at the Court on 26 and 28 June 2000, Uganda asked the Court to reject the application since the subject matter of the request for interim measures was essentially the same as the matters addressed by Security Council resolution 1304 of 16 June 2000, which was adopted in accordance with Chapter VII of the Charter and was therefore binding.¹²¹ Disputing Uganda’s argument, the Democratic Republic of the Congo pointed out that in line with the Security Council resolution, in which the Council demanded that Uganda withdraw all its forces from the territory of the Democratic Republic of the Congo without delay, it was requesting the Court to indicate the withdrawal of Ugandan forces, not as a political measure with a view to the maintenance of international peace and security, but as a judicial measure. Referring to the Court’s jurisprudence, it argued that the parallel powers of the Security Council and of the Court were not “any bar to the exercise by the latter of its jurisdiction”.¹²²

On 7 July 2000, the Court determined that the circumstances required it to indicate provisional measures, as provided in Article 41 of the Statute of the Court. In view of the Council’s determination in resolution 1304 (2000) that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in

¹¹³ S/PV.4636.

¹¹⁴ At the Council’s 4753rd meeting, on 13 May 2003, in connection with the item entitled “The role of the Security Council in the pacific settlement of disputes”, Mr. Nabil Elaraby, Judge, International Court of Justice, spoke before the Council but only in his personal capacity (S/PV.4753, pp. 7-9).

¹¹⁵ S/2002/108.

¹¹⁶ See also S/2002/251, S/2002/1102, S/2002/1194, S/2003/306, S/2003/430 and S/2003/561.

¹¹⁷ S/2002/1088.

¹¹⁸ See also S/2003/430.

¹¹⁹ S/2000/654, annex, para. 1.

¹²⁰ *Ibid.*, paras. 6 and 11.

¹²¹ *Ibid.*, para. 27.

¹²² *Ibid.*, para. 23.

the region and the information at its own disposal, the Court was of the opinion that indication of provisional measures was required to prevent aggravation or extension of the dispute. By provision (2) of the order rendered by the Court on the request for the indication of provisional measures, the Court held that both parties must take all measures necessary to comply with all their obligations under international law, and with Security Council resolution 1304 (2000).¹²³

By a letter dated 1 July 2000 addressed to the Secretary-General,¹²⁴ the Registrar of the Court requested that the text of the order of the Court be transmitted to the Council, in accordance with Article 41, paragraph 2, of the Statute.

¹²³ Ibid., para 47.

¹²⁴ Ibid., pp. 1-2.

In declarations appended to the order, two judges commented on the granting of the provisional measures.¹²⁵ One of the judges held that the Court was not in a position to grant provisional measures since the Charter provided for the settlement, through the Council, of disputes raising issues from armed aggression and threats to international peace, as had already been the case. Another judge, however, held that while recognizing Security Council resolution 1304 (2000), the Court, as the principal judicial organ of the United Nations, juridically assessed the issues and cast its order in accordance with Article 94 of the Charter. The order, indicating provisional measures, enjoined both parties to take all measures necessary to preserve the peace as well as preserve the rights of the parties.

¹²⁵ Ibid., pp. 16-18.

Part V Relations with the Secretariat

Article 98

The Secretary-General shall act in that capacity¹²⁶ in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Note

This part is concerned with the functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council under Article 98 of the Charter¹²⁷ (section A) and with the

¹²⁶ Article 97 of the Charter stipulates that the Secretary-General shall be the chief administrative officer of the Organization.

¹²⁷ The functions and powers of the Secretary-General in regard to the meetings of the Security Council, conferred

Secretary-General's power of initiative under Article 99 (section B).

A. Functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council

Note

Section A deals with the functions entrusted to the Secretary-General by the Security Council with respect to international peace and security. His functions in that regard continued to expand during the period under review, as the activities of the Security Council continued to expand and diversify. In addition to carrying on his responsibilities in the area of peaceful settlement of disputes (political/diplomatic functions) and peacekeeping (security functions), the Secretary-General was entrusted with the implementation of sanctions regimes (legal functions).

under Article 98, are delineated in rules 21 to 26 of the Council's provisional rules of procedure (see also chap. I, part IV, of the present Supplement).

The practice described below is illustrative and does not purport to be comprehensive.¹²⁸

Measures to ascertain the facts

In a number of instances, the Secretary-General was asked to investigate the facts of a particular situation or his efforts to do so were endorsed:

(a) *In relation to the situation concerning the Democratic Republic of the Congo*, the Council requested the Secretary-General to increase the number of personnel in the human rights component of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to assist and enhance, in accordance with its current mandate, the capacity of the Congolese parties to investigate all the serious violations of international humanitarian law and human rights perpetrated on the territory of the Democratic Republic of the Congo since the beginning of the conflict in August 1998. It also requested the Secretary-General, in consultation with the United Nations High Commissioner for Human Rights, to make recommendations to the Council on other ways to help the transitional government in the Democratic Republic of the Congo address the issue of impunity;¹²⁹

(b) *In relation to the item entitled “Ensuring an effective role of the Security Council in the maintenance of international peace and security”*, the Council, recalling the statements by its President of 30 November 1999¹³⁰ and 20 July 2000¹³¹ on the prevention of armed conflicts, welcomed in that context the intention of the Secretary-General to send fact-finding missions to areas of tension more frequently;¹³²

(c) *In relation to the item entitled “Role of the Security Council in the prevention of armed conflicts”*, the Council supported the enhancement of the role of the Secretary-General in conflict prevention, including by increased use of United Nations interdisciplinary fact-finding and confidence-building missions to regions of tension, by developing regional prevention

strategies with regional partners and appropriate United Nations organs and agencies, and by improving the capacity and the resource base for preventive action in the Secretariat;¹³³

(d) *With regard to the situation concerning the Democratic Republic of the Congo*, the Council invited the Secretary-General to report further on the events in the region of Uvira;¹³⁴

(e) *In connection with the situation in Côte d’Ivoire*, after expressing its deepest concern at reports of mass killings and grave violations of human rights in that country, the Council welcomed the decision by the Secretary-General to request that the United Nations High Commissioner for Human Rights gather precise information about violations of human rights and international humanitarian law in Côte d’Ivoire, including through the dispatch of a fact-finding mission to that country.¹³⁵

Good offices

The Secretary-General was often requested to exercise or continue to exercise his “good offices” function. His independent political role in preventing or mediating conflicts between or within States, or his role in that regard was endorsed:

(a) *In relation to the item entitled “Women and peace and security”*, at the 4402nd meeting, the President made a statement on behalf of the Council¹³⁶ on the anniversary of the adoption of resolution 1325 (2000) on women and peace and security, by which it urged the Secretary-General to appoint women as Special Representatives and Special Envoys to pursue good offices on his behalf in accordance with his strategic plan of action;¹³⁷

(b) *In relation to the situation in Cyprus*, the Council commended the “extraordinary” effort made by the Secretary-General and his Special Adviser to address the situation in Cyprus, in pursuance of his good offices mission and within the framework of resolution 1250 (1999).¹³⁸ The Council also commended the Secretary-General’s initiative of

¹²⁸ For details of these and other instances in which the Security Council entrusted functions to the Secretary-General, see the case studies in chapter VIII and chapter X of the present Supplement.

¹²⁹ Resolution 1468 (2003).

¹³⁰ S/PRST/1999/34.

¹³¹ S/PRST/2000/25.

¹³² Resolution 1327 (2000).

¹³³ Resolution 1366 (2001).

¹³⁴ S/PRST/2002/27.

¹³⁵ S/PRST/2002/42.

¹³⁶ S/PRST/2001/31.

¹³⁷ A/49/587.

¹³⁸ Resolution 1475 (2003).

presenting the parties with a comprehensive settlement plan, stressed its full support for the Secretary-General's mission of good offices as entrusted to him in resolution 1250 (1999), and asked him to continue to make available his good offices for Cyprus, as he had suggested in his report of 1 April 2003;¹³⁹

(c) *With regard to the situation concerning the Democratic Republic of the Congo*, the Council welcomed the efforts and good offices of the Republic of South Africa, in its capacity as chair of the African Union, and of the Secretary-General, to help the Democratic Republic of the Congo and Rwanda to reach an agreement to tackle the problem of the armed groups and to take forward the withdrawal of Rwandan troops, in the context of the full withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo, in accordance with the Lusaka Ceasefire Agreement signed on 10 July 1999 and relevant Council resolutions.¹⁴⁰ In a subsequent statement¹⁴¹ issued by the President on behalf of the Council, the Council encouraged all local actors, including the parties to the conflict as well as civil society and the religious organizations, to engage in talks in order to end the hostilities and agree on a basis for peaceful coexistence in the region during the transitional period in the Democratic Republic of the Congo. In that regard, the Council encouraged the Secretary-General to consider using his good offices to promote and facilitate such talks, with MONUC providing support where applicable;

(d) *In connection with the situation between Eritrea and Ethiopia*, the Council repeatedly reiterated its strong support for the role of the Secretary-General in helping to implement the Algiers Agreements, including through his own good offices, and for the efforts of his Special Representative;¹⁴²

(e) *In connection with the situation in Afghanistan*, the Council endorsed the establishment of the United Nations Assistance Mission in Afghanistan (UNAMA), in accordance with the mandate and structure contained in the report of the Secretary-General.¹⁴³ The core mandate of the mission included,

inter alia, the promotion of national reconciliation through the good offices of the Secretary-General's Special Representative;¹⁴⁴

Joint efforts to promote a political settlement

In several instances during the period under review, the Secretary-General was asked to undertake diplomatic efforts in conjunction with regional arrangements or other actors in order to achieve a political settlement.¹⁴⁵

(a) *In relation with the situation in Angola*, the Council requested the Secretary-General to provide appropriate support, in coordination with the Government of Angola, in the preparation of elections, including through the work of the United Nations technical assistance mission;¹⁴⁶

(b) *With regard to the Inter-Agency Mission to West Africa*, the Council welcomed the establishment of the Office of the Special Representative of the Secretary-General for West Africa to ensure, inter alia, the strengthening of harmonization and coordination of the activities of the United Nations system in an integrated regional perspective and to the development of a fruitful partnership with the Economic Community of West African States (ECOWAS), other subregional organizations and international and national actors, including civil society;¹⁴⁷

(c) *In connection with the situation in Georgia*, the Council welcomed the efforts by the Special Representative of the Secretary-General to enhance contacts at all levels between the Georgian and Abkhaz sides, and supported the appeal by the Secretary-General to both sides to make more active use of the Coordinating Council machinery, and actively to consider the paper prepared by the Special Representative concerning the implementation of the agreed confidence-building measures;¹⁴⁸

(d) *In relation with the situation in Afghanistan*, the Council supported the efforts of the Personal

¹³⁹ S/2003/398.

¹⁴⁰ S/PRST/2002/22.

¹⁴¹ S/PRST/2002/27.

¹⁴² S/PRST/2001/4; and S/PRST/2001/14; and resolution 1344 (2001), 1369 (2001), 1398 (2002), and 1430 (2002).

¹⁴³ S/2002/278.

¹⁴⁴ Resolution 1401 (2002).

¹⁴⁵ See chapter XII of the Supplement for a more comprehensive list of instances of cooperation between the United Nations and regional arrangements in order to achieve a pacific settlement of a dispute and the role of the Secretary-General in those instances.

¹⁴⁶ S/PRST/2001/24.

¹⁴⁷ S/PRST/2001/38.

¹⁴⁸ S/PRST/2000/16.

Representative of the Secretary-General for Afghanistan to advance a peace process through political negotiations between the Afghan parties aimed at the establishment of a broad-based, multi-ethnic, and fully representative government, and called for the warring factions to cooperate fully with those efforts to conclude a ceasefire and begin discussions leading to a political settlement, by moving forward promptly in the process of dialogue;¹⁴⁹

Peacekeeping and implementation of peace agreements

In addition to carrying out responsibilities with regard to ongoing missions,¹⁵⁰ the Secretary-General took on additional functions in relation to four new peacekeeping operations¹⁵¹ established during the period from 2000 to 2003. Most of the new missions were multifunctional, with political, humanitarian, social and economic components. They were given the task of helping to regroup and demobilize combatants, destroy weapons, coordinate humanitarian assistance, monitor human rights and organize elections. The Secretary-General had the responsibility for executive direction and command of those peacekeeping operations, including their establishment, deployment and withdrawal, and the implementation of their mandates.

Support to international tribunals

During the period under review, the Secretary-General was mainly requested to make practical arrangements for the election of ad litem judges for the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, respectively.¹⁵²

On 30 November 2000, pursuant to the letter from the Secretary-General to the Council and the annexed letters from the Presidents of the Tribunals, the Council adopted resolution 1329 (2000) to enable the Tribunals to expedite the conclusion of their work. By that resolution, the Council decided to amend the

Statute and to enlarge the membership of the Appeals Chambers of the Tribunals. In that connection, the Council requested the Secretary-General to make practical arrangements for the election of 27 ad litem judges in accordance with Article 13 ter of the Statute of the International Tribunal for the Former Yugoslavia, and for the timely provision to the Tribunals of personnel and facilities, in particular, for the ad litem judges and the Appeals Chambers and related offices of the Prosecutor. The Council further requested the Secretary-General to keep the Security Council closely informed of progress in that regard and to submit, as soon as possible, a report containing an assessment and proposals regarding the date ending the temporal jurisdiction of the International Tribunal for the Former Yugoslavia.

By resolution 1431 (2002), the Council decided to amend the Statute of the International Tribunal for Rwanda and to establish a pool of 18 ad litem judges. It therefore requested the Secretary-General to make practical arrangements for the election of 18 ad litem judges in accordance with Article 12 ter of the Statute of the International Tribunal for Rwanda and for the timely provision to the International Tribunal for Rwanda of personnel and facilities, in particular, for the ad litem judges and related offices of the Prosecutor. The Secretary-General was further requested to keep the Security Council closely informed of progress in that regard.

Implementation of sanctions regimes

During the period under review, the Security Council established four sanctions regimes.¹⁵³ In addition to providing all necessary assistance to the sanctions committees established to monitor implementation of the sanctions, the Secretary-General was also requested to strengthen collaboration between the United Nations and regional and international organizations, including Interpol, in monitoring or

¹⁴⁹ Resolution 1333 (2000).

¹⁵⁰ For additional details see chapter V of the present *Supplement*.

¹⁵¹ United Nations Mission in Ethiopia and Eritrea (UNMEE); United Nations Mission in Liberia (UNMIL); UNAMA; United Nations Mission of Support in East Timor (UNMISSET). For an overview of newly established peacekeeping missions, see chapter V.

¹⁵² For additional details, see chapter V.

¹⁵³ The new sanctions committees established by the Security Council during the period under consideration were the following: Committee established pursuant to resolution 1343 (2003) concerning Liberia; Committee established pursuant to resolution 1521 (2003) concerning Liberia; Committee established pursuant to resolution 1298 (2000) concerning the situation between Eritrea and Ethiopia; and Committee established pursuant to resolution 1518 (2003). For further details, see chapter V of the present *Supplement*.

enforcing the implementation of the measures in relation to Angola;¹⁵⁴ to develop an information package and media campaign designed to educate the public at large on the measures contained in the relevant Security Council resolutions concerning Angola;¹⁵⁵ to work actively through technical assistance and cooperation with the Transitional National Government, local authorities and traditional civil and religious leaders to enhance the administrative and judicial capacities throughout Somalia to contribute to the monitoring and enforcement of the arms embargo;¹⁵⁶ and to submit a report to the Council on the possible humanitarian or socio-economic impact of the measures imposed against Liberia.¹⁵⁷ In a number of instances, the Secretary-General was also requested to establish monitoring mechanisms and panels of experts to assist in the implementation of the sanctions regimes.¹⁵⁸

B. Matters brought to the attention of the Security Council by the Secretary-General

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

At its 4360th meeting, held on 30 August 2001, the Security Council adopted resolution 1366 (2001) on the role of the Security Council in the prevention of armed conflict, in which it twice invoked Article 99. In the preamble, the Council recognized the importance of enhancing the role of the Secretary-General in the prevention of armed conflict in accordance with

Article 99. Furthermore, expressing its willingness to consider promptly early warning and prevention cases brought to it by the Secretary-General, the Council encouraged him to convey to it his assessment of potential threats to international peace and security, in accordance with Article 99.¹⁵⁹

During the period under review, the Secretary-General did not expressly invoke Article 99. However, he drew the attention of the Security Council to situations, already on the Council's agenda, that were deteriorating, and requested the Council to consider taking appropriate action.¹⁶⁰ In addition, the Secretary-General exercised the implicit rights conferred upon him under Article 99¹⁶¹ by initiating, for example, a good offices mission in respect of the situation in the

¹⁵⁹ Resolution 1366 (2001), para. 5.

¹⁶⁰ Thus, for example, in his letter dated 28 June 2003 addressed to the President of the Security Council (S/2003/678), the Secretary-General brought to the attention of members of the Security Council the ceasefire agreement signed by the Liberian parties in Accra on 17 June 2003 under the stewardship of ECOWAS and sought a "prompt endorsement of a United Nations role in support of the implementation of that agreement as reflecting the Council's commitment to promote the peaceful resolution of the Liberian conflict". He further encouraged the Council to "take action to give practical effect to that commitment, in the light of the most recent grave deterioration in the situation", by authorizing the deployment to Liberia, under Chapter VII of the Charter of the United Nations, of a highly trained and well-equipped multinational force, under the lead of a Member State, to prevent a major humanitarian tragedy and to stabilize the situation in that country.

¹⁶¹ With respect to Article 99, the *Repertory of Practice of United Nations Organs* states in Supplement No. 8 (1989-1994), volume VI, that "the implicit powers of the Secretary-General in the spirit of Article 99 have been more liberally construed to include the right to initiate fact-finding missions, investigative commissions and the offer of good offices or mediation". See also the report of the Secretary-General dated 17 June 1992 entitled "An Agenda for peace: preventive diplomacy, peacemaking, and peacekeeping" (S/24111, paras. 23-27) and the statement by the President of the Security Council of 30 November 1992 (S/24872). For information concerning the implementation of Article 99 of the Charter, see chapter X of this Supplement.

¹⁵⁴ Resolution 1295 (2000), para. 29.

¹⁵⁵ *Ibid.*, para. 30.

¹⁵⁶ Resolution 1407 (2002), para. 7.

¹⁵⁷ Resolution 1478 (2003), para. 19.

¹⁵⁸ See, for example, the Panel of Experts established by resolution 1521 (2003) to monitor the sanctions regime against Liberia. By that resolution, the Council requested the Secretary-General to establish, within one month from the date of its adoption, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to five members, with the range of expertise necessary to fulfil the Panel's mandate described in paragraph 22 of the resolution. For further details, see chapter V of the Supplement.

Middle East (Israel and Lebanon),¹⁶² by sending a fact-finding mission to investigate events concerning the situation in the Middle East, including the Palestinian question,¹⁶³ and by sending reconnaissance and liaison teams in respect of the conflict between Ethiopia and Eritrea.¹⁶⁴

¹⁶² S/2000/294, S/2000/322 and S/PRST/2000/13.

¹⁶³ By resolution 1405 (2002), the Security Council welcomed the initiative of the Secretary-General to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team and requested him to keep the Council informed.

¹⁶⁴ In a presidential statement of 7 July 2000 (S/PRST/2000/676), the Council endorsed the Secretary-General's decision to dispatch reconnaissance and liaison teams in the region.

In 2001, by resolution 1379 (2001), the Security Council requested the Secretary-General to attach to his report on children and armed conflict a list of parties to armed conflict that recruited or used children in situations that were on the Council's agenda or that might be brought to the attention of the Council in accordance with Article 99. Accordingly, in his report of 10 November 2003, the Secretary-General included in the list other parties to armed conflict that recruited or used children in armed conflicts.¹⁶⁵

¹⁶⁵ See S/2003/1053 and Corr.1 and Corr.2, annexes.

Part VI

Relations with the Military Staff Committee

Article 47

1. *There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.*

2. *The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.*

3. *The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.*

4. *The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.*

Note

The Military Staff Committee, established pursuant to Article 47 of the Charter, is composed of the Chiefs of Staff of the permanent members or their representatives. During the period under review, the Military Staff Committee continued to meet regularly under its draft rules of procedure and remained prepared to carry out the functions assigned to it under Article 47. The need to revitalize and make full use of the capacity of the Military Staff Committee was discussed by Council's members during the discussions on the following items (cases 18 to 21): (a) Ensuring an effective role of the Security Council in the maintenance of international peace and security; (b) No exit without strategy; (c) Strengthening cooperation with troop-contributing countries; and (d) Wrap-up discussion on the work of the Security Council.

Case 18

Ensuring an effective role of the Security Council in the maintenance of international peace and security

At the Council's 4220th meeting, held on 13 November 2000 in connection with the item entitled "Ensuring an effective role of the Council in the maintenance of international peace and security", the Council adopted resolution 1327 (2000). In annex IV of the resolution, the Council undertook "to consider

the possibility of using the Military Staff Committee as one of the means of enhancing the United Nations peacekeeping capacity". In the ensuing discussion, the Russian Federation commented that, following the resolution on the Brahimi report,¹⁶⁶ the Council had entered the equally important stage of implementing agreed decisions. He believed that the approach of using the Military Staff Committee as one of the means of enhancing United Nations peacekeeping capacity would maintain balance in the distribution of responsibilities between Member States and the United Nations Secretariat.¹⁶⁷

At the 4288th meeting, the Council continued its consideration of the item. During the debate, the representative of the Russian Federation recalled that in resolution 1327 (2000), a decision was made to consider the question of how best to utilize the Military Staff Committee. He commented that there was a need "not to leave all of this on paper or simply within the sphere of conversation", but to see what in fact could really be done.¹⁶⁸

Case 19 **No exit without strategy**

At the Security Council's 4223rd meeting, held on 15 November 2000 in connection with the agenda item "No exit without strategy", the representative of China noted that, in order for peacekeeping operations to conclude successfully, the United Nations rapid deployment capacity should be developed, the effectiveness of the planning enhanced and the technical and financial resources of operations ensured. In that connection, he highlighted the importance of strengthening relevant Secretariat units, including the possibility of making full use of the capacity of the Military Staff Committee as "an important source for military expertise both for preparing for the possible deployment of an operation and for wrapping one up".¹⁶⁹

¹⁶⁶ A/55/305-S/2000/809.

¹⁶⁷ S/PV.4220, p. 9.

¹⁶⁸ S/PV.4288 (Resumption 1), p. 13.

¹⁶⁹ S/PV.4223, p. 15.

Case 20 **Strengthening cooperation with troop-contributing countries**

At its 4326th meeting, held on 13 June 2001 in connection with the item entitled "Strengthening cooperation with troop-contributing countries", the Security Council adopted resolution 1353 (2001), by which it undertook to consider the possibility of using the Military Staff Committee as one of the means of enhancing United Nations peacekeeping operations.¹⁷⁰ At its 4257th meeting, held on 16 January 2001 on the same item, the representative of India, in advancing his views on the relationship between the Security Council and the troop-contributing countries, reminded the Council that Article 47 (2) of the Charter stipulated that the Military Staff Committee could include officers from any Member State, when the efficient discharge of the Committee's responsibilities required the participation of that Member in its work. He also invited the Council to revive the Military Staff Committee and use it as a forum for consultations with troop-contributing countries on purely military aspects.¹⁷¹

In his statement, the representative of the Russian Federation stated that his delegation would regard India's proposal on making more use of the Military Staff Committee, in line with resolution 1327 (2000), as an obligation to study ways of exploiting the potential of the Committee in the interest of strengthening the peacekeeping activities of the United Nations.¹⁷² The representative of Colombia also voiced his support for reviving the Military Staff Committee, with a broadened mandate that would reflect the concerns voiced by other delegations.¹⁷³ Mauritius also concurred with India's statement.¹⁷⁴

Case 21 **Wrap-up discussion on the work of the Security Council**

At its 4343rd meeting, on 29 June 2001, the Council held a wrap-up discussion on the work of the Security Council during the month of June 2001. During the debate, the representative of the Russian

¹⁷⁰ Resolution 1353 (2001), annex I.C, para. 1.

¹⁷¹ S/PV.4257, pp. 8-13.

¹⁷² S/PV.4257 (Resumption 1), p. 13.

¹⁷³ *Ibid.*, p. 19.

¹⁷⁴ *Ibid.*, p. 21.

Federation, recalling the need to follow up implementation of the Council's decisions, stated that the Military Staff Committee, as a mechanism which should be useful for the Council's work on peacekeeping, had been underutilized. He further recalled that the Council, in resolutions 1327 (2000) and 1353 (2001), had already emphasized the need for

the study of the means to make more active use of the Military Staff Committee in order to strengthen United Nations peacekeeping operations. He concluded by stating that his delegation expected the Military Staff Committee "to respond to the Council's resolutions".¹⁷⁵

¹⁷⁵ S/PV.4343 and Corr.1, p. 6.

Chapter VII

Practice relative to recommendations to the General Assembly regarding membership in the United Nations

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Introductory note

The present chapter considers the practice of the Security Council in its recommendations to the General Assembly concerning applications for membership in the United Nations.

Part I sets forth the applications for admission considered and the decisions taken thereon by the Security Council and the General Assembly during the period under review.

Parts II to V concern the procedures employed by the Council in the consideration of the applications. The parts entitled “Consideration of the adoption or amendment of rules 58 to 60 of the provisional rules of procedure”, “The roles of the General Assembly and the Security Council” and “Practices relating to the applicability of Articles 5 and 6 of the Charter” have been deleted in the present Supplement as no material was found for inclusion therein. A new part entitled “Practices relating to the applicability of Article 4 of the Charter” has been inserted in order to capture the full range of practice in that area.

During the period under review, the Council recommended the admission of four States to membership in the United Nations.

The issue of the membership of the Federal Republic of Yugoslavia (Serbia and Montenegro), which had been pending since 1992,¹ was finally resolved when the Council unanimously recommended,² and the General Assembly decided,³ to admit that country to membership in the United Nations.⁴

In the case of the application of Tuvalu,⁵ a statement made by one Council member touched on the interpretation of Article 4 (1) of the Charter, which sets out the criteria for membership in the United Nations (see case study in part V).

¹ At its 3116th meeting, held on 19 September 1992, the Security Council adopted resolution 777 (1992), by which it considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia; and therefore recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly. Consequently, from 1992 to 2000, representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) participated in Council meetings under a special arrangement; they were invited by name, without mention of the State they represented, and without reference to an Article of the Charter or the provisional rules of procedure.

² Resolution 1326 (2000).

³ General Assembly resolution 55/12.

⁴ As from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

⁵ S/2000/5.

Part I

Applications for admission to membership in the United Nations and action taken thereon by the Security Council and the General Assembly, 2000-2003

Note

As in the previous Supplements to the *Repertoire*, part I contains information on the applications before the Council during the period under review and the decisions taken thereon by the Council and the General Assembly. Section A (Applications recommended by the Security Council), section B (Discussion of the question in the Security Council), section C (Applications pending on 1 January 2000) and section D (Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 2000 to 31 December 2003) have been maintained from previous Supplements. However, the sections entitled “Applications that failed to obtain a recommendation” and “Applications pending at the end of the period under review” have been deleted in the present Supplement as no material was found for inclusion therein.

A. Applications recommended by the Security Council

In the period 1 January 2000 to 31 December 2003, the Security Council recommended the following States for admission to membership in the United Nations:

Switzerland
Timor-Leste
Tuvalu
Yugoslavia⁶

B. Discussion of the question in the Security Council

The Council held eight meetings⁷ to consider applications for admission during the four-year period from 2000 to 2003. At one of those meetings,⁸ held on 17 February 2000, a statement of position was made concerning Tuvalu’s admission to membership in the United Nations (see case study in part V).

⁶ As from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

⁷ See table in section D.

⁸ See S/PV.4103.

C. Applications pending on 1 January 2000

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Tuvalu ^a	16 November 1999	S/2005/5

^a Admitted on 5 September 2000. See table in section D.

D. Applications submitted and action taken thereon by the Security Council and the General Assembly from 1 January 2000 to 31 December 2003

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee;^a Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Tuvalu	S/2000/5 16.11.99 5.1.00	4093rd mtg. 28.1.00 Referred by President	102nd and 103rd meetings 28.1.00 and 31.1.2000 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4103rd mtg. 17.2.00	Draft resolution (S/2000/70) Adopted as resolution 1290 (2000) President made a statement (S/PRST/2000/6)	14-0-1 (China abstained)	55th session, 55/1 1st plenary meeting 5.9.00	55/1	Adopted by acclamation	Admitted
Yugoslavia ^b	S/2000/1043 27.10.00 30.10.00	4214th mtg. 31.10.00 Referred by President	104th meeting 31.10.00 Draft resolution recommending admission Committee recommended that the Council have recourse to the provisions of the last paragraph of rule 60 of the provisional rules of procedure	4215th mtg. 31.10.00	Draft resolution (S/2000/1051) Adopted as resolution 1326 (2000) President made a statement (S/PRST/2000/30)	Adopted without a vote	55th session, 55/12 48th plenary meeting 1.11.00	55/12	Adopted by acclamation	Admitted

<i>Applicant</i>	<i>Application and dates of submission and circulation</i>	<i>Referral to Committee:^a Council meeting and date</i>	<i>Committee meeting and date; Committee report and recommendations</i>	<i>Decision of the Council: Council meeting and date</i>	<i>Security Council resolution/presidential statement</i>	<i>Vote</i>	<i>General Assembly plenary meeting and date</i>	<i>General Assembly resolution</i>	<i>Vote</i>	<i>Result of proceedings</i>
Timor-Leste	S/2002/558 20.5.02 20.5.02	4540th mtg. 22.5.02 Referred by President	105th meeting 23.5.02 Draft resolution recommending admission	4542nd mtg. 23.5.02	Draft resolution (S/2002/566) Adopted as resolution 1414 (2002) President made a statement (S/PRST/2002/15)	Adopted without a vote	57th session, 20th plenary meeting 27.9.02	57/3	Adopted by acclamation	Admitted
Switzerland	S/2002/801 20.6.2002 24.7.02	4584th mtg. 24.7.02 Referred by President	106th meeting 24.7.02 Draft resolution recommending admission	4585th mtg. 24.7.02	Draft resolution (S/2002/825) Adopted as resolution 1426 (2002) President made a statement (S/PRST/2002/23)	Adopted without a vote	57th session, 1st plenary meeting 10.09.02	57/1	Adopted by acclamation	Admitted

^a Committee on the Admission of New Members.

^b As from 4 February 2003, the name of the Federal Republic of Yugoslavia was changed to Serbia and Montenegro.

Part II Presentation of applications

Material concerning the presentation of applications — that is, the submission of applications to the Secretary-General, their immediate communication to representatives on the Security Council pursuant to rule 59 and their subsequent inclusion in the provisional agenda of the Council — may be found in the table in part I, section D. The application of Tuvalu, submitted on 6 November 1999, was circulated by the Secretary-General on 5 January 2000 and included in the agenda of the Council on 17 February 2000.

Part III Referral of applications to the Committee on the Admission of New Members

During the period under review, all applications were referred by the President of the Security Council to the Committee on the Admission of New Members. There were no proposals to waive the application of rule 59 of the provisional rules of procedure.⁹ On two occasions,¹⁰ upon the recommendation of the Committee on the Admission of New Members, the Council waived the time limits set forth in paragraph 4 of rule 60, in accordance with paragraph 5 of that same rule.¹¹

Part IV Procedures in the consideration of applications within the Security Council

During the period under review, the practice of deciding upon applications in the chronological order of their receipt was observed. The Council decided upon all applications separately. In all but one instance, the Council adopted the draft resolutions submitted by the Committee on the Admission of New Members without

⁹ Rule 59 provides, inter alia, that “unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented”.

¹⁰ See table in part I, section D. In the case of Tuvalu, though the Council waived the time limits set forth in the fourth paragraph of rule 60 in order to present its recommendation to the General Assembly at the Assembly’s fifty-fourth session, the matter was eventually considered at the Assembly’s fifty-fifth session.

¹¹ The fourth and fifth paragraphs of rule 60 read as follows:

“In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of an application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

“In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph”.

a debate and a vote, “in accordance with the understanding reached in prior consultations among members of the Council”. Following the adoption of the resolution, the President of the Council made a statement on behalf of the members of the Council. In the case of Tuvalu, the draft resolution submitted by the Committee was put to a vote and adopted with one abstention (China). Prior to the vote the representative of China made a statement.¹²

Part V

Practices relating to the applicability of Article 4 of the Charter

Note

During the consideration of the admission of Tuvalu to membership, one Council member made a statement of position which touched upon the interpretation of Article 4 (1).¹³

Case

Admission of Tuvalu

By a letter dated 16 November 1999 from the Prime Minister of Tuvalu addressed to the Secretary-General, Tuvalu submitted an application for admission to membership in the United Nations, which was circulated by the Secretary-General in a note dated 5 January 2000.¹⁴

The Security Council considered the application at its 4093rd meeting, held on 28 January 2000 and referred the application, in accordance with rule 59, to the Committee on the Admission of New Members. The Committee, in paragraph 4 of its report, dated 31 January 2000,¹⁵ recommended to the Council the adoption of a draft resolution on the application of Tuvalu for admission to membership in the United Nations. Paragraph 5 of the same report, however, stated that China was unable to associate itself with the recommendation of the Committee and that it would expound its position at the formal meeting of the Council.

At its 4103rd meeting, on 17 February 2000, the Council considered the report of the Committee concerning the admission of Tuvalu and decided to proceed to the vote¹⁶ on the draft resolution contained in paragraph 4 of the report. Speaking before the vote, the representative of China asserted that his delegation attached great importance to Tuvalu’s desire to join the United Nations and had seriously considered its application. He underscored that, as a State Member of the United

¹² See S/PV.4103, p. 2, and the case study in part V of the present chapter.

¹³ The text of Article 4 (1) reads as follows: “Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations”.

¹⁴ S/2000/5.

¹⁵ S/2000/70.

¹⁶ See table in part I, section D, for details of the voting.

Nations, a country should truly fulfil the obligations contained in the Charter and strictly abide by the resolutions of the General Assembly. This, he said, was a very important basis to judge whether an applicant country had met the standards for becoming a Member of the United Nations. In considering Tuvalu's membership, his delegation believed that the most important issue was the upholding of the principles and purposes of the Charter and the implementation of General Assembly resolution 2758 (XXVI) on "Restoration of the lawful rights of the People's Republic of China in the United Nations".¹⁷ Proceeding from that principled position, the Chinese delegation could not support the Security Council recommendation to the General Assembly that Tuvalu be accepted as a new Member State. However, bearing in mind the long-term interests of the peoples of China and Tuvalu, and also taking into consideration various requests, including those of the South Pacific countries, his delegation would not block the recommendation. He expressed the hope that Tuvalu would strictly abide by the Charter of the United Nations and implement General Assembly resolution 2758 (XXVI). In the ensuing vote, China abstained.

Tuvalu was admitted to membership in the United Nations on 5 September 2000 pursuant to the recommendation¹⁸ of the Security Council and the decision¹⁹ of the General Assembly.

¹⁷ By resolution 2758 (XXVI) of 25 October 1971, the General Assembly decided "to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occup[ied] at the United Nations and in all the organizations related to it".

¹⁸ Resolution 1290 (2000).

¹⁹ General Assembly resolution 55/1.

Chapter VIII

Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security

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Introductory note

Chapter VIII of the *Repertoire* focuses on the substance of each of the questions included in the agenda of the Security Council that relate to its responsibility for the maintenance of international peace and security. Examining the entire chain of proceedings of the Council on each agenda item gives an overall sense of their political context.¹ The range of items covers broadly those that may be deemed to fall under Chapters VI and VII of the Charter.

The overview of the proceedings of the Council provided in chapter VIII of the *Repertoire* constitutes a framework within which the procedural developments recorded in chapters I to VII and the legal and constitutional discussions recorded in chapters X to XII may be considered. Chapter VIII also examines the substantive aspects of the Council's practice that are not covered in other chapters of the *Repertoire*.

The agenda items are grouped by region, for ease of reference, with an additional category of thematic issues. Within each region, items are listed in the order in which they were first included in the list of items of which the Council is seized.

Generally, individual sections cover all proceedings relating to a specific item. In exceptional cases, in order to improve the coherence of the text, related items have been grouped together under the heading "Items relating to..."

The material included in chapter VIII is drawn from the formal meetings of the Council, and includes summaries of the statements made in the Council and of all Council documents, including reports and letters, that were referred to during the meetings.² The chapter also includes summaries of all of the decisions that were adopted at those formal Council meetings.³

Each section is organized around the decisions taken by the Council on a specific item. All of the meetings leading to a decision are included under the heading for that decision. Meetings that do not lead to a decision are grouped together under the heading "Deliberations".

When the Council includes a new item in its agenda, the section covering its first consideration bears the heading "Initial proceedings".

Some meetings have been grouped together, and an overview of all developments at those meetings is provided. In some of these cases, similar resolutions, generally renewing the mandate of a subsidiary body and adopted without debate, have also been grouped together; a brief overview of their main provisions is provided.

Meetings with countries contributing troops to a peacekeeping mission are dealt with under the item that covers that mission.

¹ The *Repertoire of the Practice of the Security Council* covers formal meetings and documents of the Security Council. Some of the questions considered in this chapter were also discussed in informal consultations among the members of the Council.

² Other documents relating to a specific item but not mentioned at a formal meeting of the Council are listed in the annual report of the Security Council to the General Assembly.

³ The summaries are based on those contained in the *Index to Proceedings of the Security Council*.

Information on formal meetings held in private is given in a footnote to the subsequent open meeting.

Unless otherwise noted, representatives of States Members of the United Nations who were invited to participate in the Council's proceedings were invited under rule 37 of the Council's provisional rules of procedure, and all other speakers were invited under rule 39.⁴

Unless otherwise indicated, draft resolutions were prepared in the course of the Council's prior consultations.

⁴ See chapter III for more information.

Africa

1. The situation concerning Western Sahara

**Decision of 29 February 2000 (4106th meeting):
resolution 1292 (2000)**

At its 4106th meeting,¹ on 29 February 2000, the Security Council included in its agenda the report of the Secretary-General dated 17 February 2000 on the situation concerning Western Sahara.² In his report, the Secretary-General commented on the implementation of the settlement plan; the situation of the prisoners of war and the repatriation of refugees; and the implementation of the cross-border confidence-building measures. On the issue of the implementation of the settlement plan, he noted that his Special Representative had pursued consultations with the parties in order to seek ways of moving the process forward, in particular with respect to the new round of appeals received by the United Nations Mission for the Referendum in Western Sahara (MINURSO). He stated that the Frente Polisario was concerned over the delays resulting from the large number of appeals and maintained that, under the settlement plan, only the people counted in the 1974 Spanish census of the territory should take part in the referendum. The authorities of Morocco, on the contrary, had reiterated the right of every applicant to appeal by presenting witnesses who could provide new information to support his or her inclusion in the voter list. The authorities of Morocco had, further, questioned the impartiality of the members of the Identification Commission and had warned that the referendum would not be held if any person originating from the Sahara were denied the right to participate. These substantial differences, which were still unresolved, had delayed the preparatory work of MINURSO. The

Secretary-General suggested that the two parties considered that the composition of the electorate body would predetermine the outcome of the referendum. As a way to put the peace process back on track, he informed the Council that he had appointed a Personal Envoy, who had later informed him that neither party had indicated willingness to pursue any political solution other than implementing the settlement plan. Thus, he had arranged direct talks between the parties, which had resulted in a number of agreements that, nonetheless, had not been successful in preventing further interruptions. The Secretary-General pointed out that each time the United Nations proposed a technical solution to bridge the parties' differing interpretation of a given provision of the settlement plan, a new difficulty, requiring yet another round of protracted consultations, arose. Furthermore, he expressed concern over the fact that no enforcement mechanism was envisioned in the settlement plan to enforce the results of the referendum.

At the meeting, the President (Argentina) drew the attention of the Council to a letter dated 24 February 2000 from Morocco, submitting its observations and conclusions on the implementation of the settlement plan in Western Sahara, the progress of the identification process and, in particular, the prospects for the implementation of the appeals procedure.³

The President then drew the attention of the Council to a draft resolution;⁴ it was put to the vote and adopted unanimously as resolution 1292 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MINURSO until 31 May 2000;

Supported the intention of the Secretary-General to ask his Personal Envoy to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute;

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara, pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 21 November 2001 (4426th), 25 February 2002 (4477th), 24 April 2002 (4520th), 24 July 2002 (4587th), 22 January 2003 (4690th), 28 May 2003 (4763rd) and 23 October 2003 (4847th).

² S/2000/131, submitted pursuant to resolution 1282 (1999).

³ S/2000/148.

⁴ S/2000/149.

Requested the Secretary-General to provide an assessment of the situation before the end of the current mandate.

Decision of 31 May 2000 (4149th meeting): resolution 1301 (2000)

At its 4149th meeting, on 31 May 2000, at which statements were made by the representatives of Argentina, China, Jamaica, Malaysia, Mali, Namibia, the Netherlands and the United States, the Council included in its agenda the report of the Secretary-General dated 22 May 2000 on the situation concerning Western Sahara.⁵

In his report, the Secretary-General detailed, inter alia, the efforts of his Personal Envoy to implement the settlement plan and the Houston agreements. He stated that the discussions had been inconclusive. Further meetings had been proposed, and his Personal Envoy had called on the parties to attend with concrete solutions, or else be prepared to consider other options to the dispute over Western Sahara.

At the meeting, the representative of Namibia stated that while, he fully supported the recommendation of the Secretary-General to extend the mandate of MINURSO, the report of the Secretary-General contained observations that had serious political implications of concern to his delegation. He stressed that he could not endorse observations that sought to diverge from the implementation of the settlement plan and would, thus, vote against the draft resolution before the Council. He further reiterated that the settlement plan remained the only viable mechanism by which to achieve a lasting solution to the question of Western Sahara.⁶

The representative of Jamaica argued that the draft resolution was not appropriate, because it implied that there were doubts within the Council as to whether the settlement plan was implementable, despite the fact that the report had not concretely assessed this. He also noted that the phrase in paragraph one that said “and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara”, could be interpreted as a clear signal to the parties to the dispute that the settlement plan might be jettisoned without the benefit of full compliance with

the mandate given to the Personal Envoy of the Secretary-General. He stressed that the Council should hear an assessment from the Personal Envoy on whether the plan was implementable before adopting the resolution, and if it did not it would not “be following its own mandated procedure”. He maintained that the draft resolution should be purely technical, and that any political aspects should have been dealt with in a separate resolution.⁷

The representative of Mali stated that his delegation would have wished the draft resolution to be a presidential text reflecting the unanimous support of the Council for the efforts of the Personal Envoy. However, in the absence of consensus on the fourth preambular paragraph and operative paragraph 1, his delegation would abstain.⁸

The representative of the Netherlands suggested that the draft resolution did not adequately reflect the continued commitment to the settlement plan that had been expressed by most delegations during consultations. He noted that while in the fifth preambular paragraph of the draft resolution⁹ the Council did reiterate its full support for the ongoing efforts to implement the settlement plan, the abrupt way that it subsequently noted that “fundamental differences needed to be resolved” produced a “disingenuous overtone” which did not “do justice” to the importance that the Council had attached to the settlement plan. Nonetheless, his delegation would vote for the draft resolution in order not to restrict any option for the Personal Envoy to tackle his mandate.¹⁰

The representative of China stated that the extension of the mandate of MINURSO would help assist the parties concerned in finding an appropriate solution to existing problems, and expressed that the

⁷ Ibid., pp. 2-3.

⁸ Ibid., p. 3.

⁹ The fifth preambular paragraph reads: “*Reiterating its full support* for the continued efforts exerted by the United Nations Mission for a Referendum in Western Sahara to implement the settlement plan and agreements adopted by the parties to hold a free, fair and impartial referendum for the self-determination of the people of Western Sahara, noting that fundamental differences between the parties over the interpretation of the main provisions remain to be resolved” (resolution 1301 (2000)).

¹⁰ S/PV.4149, p. 2.

⁵ S/2000/461, submitted pursuant to resolution 1292 (2000).

⁶ S/PV.4149, p. 2.

views of the parties should be carefully heeded so as to prevent new problems from arising.¹¹

The representative of Malaysia noted that his delegation would have preferred adopting a technical resolution to extend the mandate, while discussion continued on a text that would better reflect the commitment to the settlement plan.¹² On the other hand, the representative of Argentina highlighted his efforts to reach an agreement. He reaffirmed his support to the settlement plan and considered that other alternatives could only be considered once all the possibilities for its implementation had been exhausted.¹³ The representative of the United States stressed that the resolution could not have dealt only with the length of the mandate of MINURSO because divorcing that from the reasoning behind it would have made no sense. He indicated his support for every effort to overcome the difficulties and promote the implementation of the settlement plan, but stressed that ignoring the realities would not fix them. Thus the Secretary-General and his Personal Envoy needed to be granted full leeway and authority to work with the parties as they deemed necessary, as it had been previously done in 1997 and 2000.¹⁴

At the same meeting, the President (China) drew the attention of the Council to a draft resolution submitted by France, the Russian Federation, the United Kingdom and the United States;¹⁵ it was put to the vote and adopted, by 12 votes to 1 (Namibia), with 2 abstentions (Jamaica and Mali), as resolution 1301 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MINURSO until 31 July 2000, with the expectation that the parties would offer the Secretary-General's Personal Envoy specific and concrete proposals that could be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara;

Requested the Secretary-General to provide an assessment of the situation before the end of the current mandate.

¹¹ *Ibid.*, p. 4.

¹² *Ibid.*, pp. 2 and 4-5.

¹³ *Ibid.*, p. 4.

¹⁴ *Ibid.*, pp. 4-5.

¹⁵ S/2000/500.

Decisions of 25 July 2000 to 27 April 2001: resolutions 1309 (2000), 1324 (2000), 1342 (2001) and 1349 (2001)

At its 4175th, 4211th, 4284th and 4315th meetings,¹⁶ the Council adopted resolutions, unanimously and without debate, by which it extended the mandate of MINURSO for periods of two to four months,¹⁷ and supported the continuation of the efforts made by the Secretary-General's Personal Envoy, on the basis of the recommendations contained in the reports of the Secretary-General on the situation concerning Western Sahara.¹⁸

In his reports, the Secretary-General provided information about the efforts of his Personal Envoy to move the Settlement Plan forward; the situation of the prisoners of war, political detainees and the unaccounted-for persons; the implementation of the confidence-building measures; and the security situation in the region. Regarding the efforts to move the settlement plan forward, he took note of meetings that had been held between the parties and his Personal Envoy. He noted that both parties had identified the areas they considered to be the most difficult, namely the appeals process, the repatriation of refugees, and the people who had reached voting age after December 1993 but had not been included in the identification process. However, neither party had submitted specific proposals on how to resolve the multiple problems of the settlement plan. As his Personal Envoy had explained, neither party had shown any disposition to depart from the "winner-takes-all" mentality. Moreover, he claimed that the meetings had actually moved things backwards, as the differences between the parties had deepened. However, new meetings were being pursued, aimed at arriving to a political solution,

¹⁶ Held on 25 July 2000, 30 October 2000, 27 February 2001 and 27 April 2001, respectively. During this period, the Council also held one meeting in private to hear a briefing by the Minister for Foreign Affairs and Cooperation of Morocco (4210th meeting, held on 26 October 2000).

¹⁷ By resolution 1309 (2000) the mandate was extended by four months, by resolutions 1324 (2000) and 1342 (2001) by two months, and by resolution 1349 (2001) by three months.

¹⁸ S/2000/683 submitted pursuant to resolution 1301 (2000); S/2000/1029, submitted pursuant to resolution 1309 (2000); S/2001/148, submitted pursuant to resolution 1324 (2000); and S/2001/398, submitted pursuant to resolution 1342 (2001).

which could either be a negotiated agreement for full integration with Morocco; a negotiated agreement for full independence; a negotiated agreement for something in between; or a negotiated agreement that would permit a successful implementation of the settlement plan. Finally, the Secretary-General's Personal Envoy stated that further meetings of the parties could not succeed unless the Government of Morocco, as the administrative Power of Western Sahara, was prepared to offer or support some devolution of governmental authority for all inhabitants and former inhabitants of the territory.

Over the course of its meetings, the attention of the Council was drawn to letters from Morocco and Algeria, explaining their positions and making some recommendations.¹⁹

**Decisions of 29 June 2001 to 30 May 2003:
resolutions 1359 (2001), 1380 (2001), 1394
(2002), 1406 (2002), 1429 (2002), 1463 (2003),
1469 (2003) and 1485 (2003)**

During this period, the Council held eight meetings,²⁰ at each of which it adopted a resolution,²¹ unanimously and without debate, by which it extended the mandate of MINURSO for periods of two to six months; supported the continuation of the efforts made by the Secretary-General's Personal Envoy; and encouraged the parties to follow the discussions, on the basis of the recommendations contained in the reports and letters of the Secretary-General on the situation concerning Western Sahara.²²

In his reports and letters, the Secretary-General informed the Council, *inter alia*, about the efforts of his Personal Envoy to reach a solution to the conflict; the situation regarding security and violence in the region; the implementation of confidence-building measures; and the release of prisoners of war and political

detainees. Regarding the efforts of his Personal Envoy, the Secretary-General explained that he had presented a draft "framework agreement on the status of Western Sahara" to the parties and other relevant authorities, in which was proposed the integration of Western Sahara in Morocco while giving the population of Western Sahara some level of autonomy; that the status of Western Sahara would be submitted to a referendum within five years, and that the voters would be people who had been full-time residents of Western Sahara for the preceding one year. Thus, according to the Secretary-General, the settlement plan would not be abandoned, but it would be put on hold. However, he asserted that both Algeria and the Frente Polisario had rejected this proposal, since they believed that anything other than independence could not be considered or discussed; therefore, they presented a proposal aimed at overcoming the obstacles preventing the implementation of the settlement plan. Still, the Secretary-General recalled the difficulties in implementing the settlement plan, namely the inability of the United Nations to implement any measure unless both parties had agreed to cooperate with it, as well as the difficulties in determining the people eligible to take part in the referendum given, *inter alia*, the nomadic and tribal characteristics of the Saharan population. He also informed the Council that his Personal Envoy had observed that Algeria and the Frente Polisario would be prepared to discuss a division of the territory as a political solution to the dispute over Western Sahara, but that the Government of Morocco was unwilling to discuss such an approach. Given these differences, the Secretary-General deemed that there was no real chance that the parties would ultimately voluntarily agree to that approach to solve their dispute over Western Sahara. As a way to overcome this deadlock, the Secretary-General suggested four options that could be considered by the Council: (1) the United Nations could resume trying to implement the settlement plan without requiring the concurrence of both parties before action could be taken; (2) the Personal Envoy could revise the draft framework agreement, considering the concerns expressed by both parties, but without seeking their concurrence, and submit it to the Council, which would submit it to the parties on a non-negotiable basis; (3) he could explore discussions with the parties for a possible division of the territory; but if the parties were unwilling or unable to agree before a deadline, he would present a proposal to the Council which the

¹⁹ S/2000/699 and S/2000/155.

²⁰ 4342nd meeting, held on 29 June 2001, 4427th meeting, held on 27 November 2001; 4480th meeting, held on 27 February 2002; 4523rd meeting, held on 30 April 2002; 4594th meeting, held on 30 July 2002; 4698th meeting, held on 30 January 2003; 4725th meeting, held on 25 March 2003; and 4765th meeting, held on 30 May 2003.

²¹ The draft of resolution 1406 (2002) was submitted by the United States.

²² S/2001/613, S/2001/1067, S/2002/178, S/2002/467, S/2003/59, S/2003/341 and S/2003/565 and Corr.1.

Council would submit, to the parties on a non-negotiable basis; and (4) the Council could terminate MINURSO and acknowledge that the United Nations was not going to solve the problem without requiring that one or both parties do something that they did not wish to do voluntarily. The Secretary-General emphasized that, regardless of the option that the Council would choose, it would be important that the Council did not support any changes that would require the concurrence of the parties. Given the difficulty of choosing an option that would impose a solution on the parties instead of seeking an agreement, the Personal Envoy had also undertaken a new effort to present a proposal to the parties and neighbouring countries entitled "Peace plan for the self-determination for the people of Western Sahara", which combined elements of the settlement plan and framework agreement. It envisaged a period of transition when there would be a division of responsibilities between the parties before holding a referendum, but it did not require the consent of both parties at each and every step of its implementation. However, both the parties had made objections to the plan and the Secretary-General warned the Council that they might be asked by one or both parties to support a negotiation of the peace plan. Nonetheless, he recommended that the Council should endorse the plan as proposed and ask the parties to accept it, particularly if the Council was not willing to choose from one of the four other options he had proposed.

Over the course of its meetings, the attention of the Council was drawn to letters from the representative of Algeria, Namibia and Morocco.²³

²³ In those letters Algeria, inter alia, questioned the impartiality of the United Nations Secretariat towards the settlement plan, and called upon the Council to reaffirm its commitment to it. It also expressed its opposition to the second option presented by the Secretary-General for amending the draft framework agreement, which had been considered in a draft resolution initiated by three permanent members of the Council; however, since that draft resolution was later amended by creating a new option that included elements of the first option (settlement plan) and second option (framework agreement), Algeria indicated its support for it (S/2001/623, S/2002/782, S/2002/807 and S/2002/835). Meanwhile, Namibia transmitted a memorandum by the Frente Polisario, where the group referred to the draft framework agreement's inconsistency (S/2002/749). Morocco, on the other hand,

Decision of 31 July 2003 (4801st meeting): resolution 1495 (2003)

At its 4801st meeting, on 31 July 2003, the Council included in its agenda the report of the Secretary-General dated 23 May 2003 on the situation concerning Western Sahara.²⁴

Statements were made by most members of the Council,²⁵ expressing, inter alia, their satisfaction at the unanimous adoption of the resolution and emphasizing that the resolution was not imposing a solution on the parties, but would prompt a resumption of discussions. Some of the representatives stressed that they fully supported the peace plan for the self-determination of Western Sahara, which would facilitate the early solution of the conflict on the basis of agreement between the parties. A number of representatives also maintained that the principle of self-determination was an essential element of a just resolution of the issue.²⁶

The President (Spain) drew the attention of the Council to a draft resolution submitted by the United States;²⁷ it was put to the vote and adopted unanimously as resolution 1495 (2003), by which the Council, inter alia:

Continued to support strongly the efforts of the Secretary-General and his Personal Envoy and similarly supported their peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

Called upon the parties to work with the United Nations and with each other towards acceptance and implementation of the peace plan; and decided to extend the mandate of MINURSO until 31 October 2003.

Decision of 28 October 2003 (4850th meeting): resolution 1513 (2003)

At its 4850th meeting, on 28 October 2003, the Council included in its agenda the report of the Secretary-General dated 16 October 2003 on the

continued to support the draft framework agreement and rejected the new draft resolution because it considered the two options to be irreconcilable (S/2002/758, S/2002/823 and S/2002/832).

²⁴ S/2003/565 and Corr.1, introduced at the 4765th meeting on 30 May 2003.

²⁵ The representative of the United Kingdom did not make a statement.

²⁶ S/PV.4801, p. 3 (Pakistan); and p. 4 (Mexico, Angola).

²⁷ S/2003/777.

situation concerning Western Sahara.²⁸ In his report, the Secretary-General observed that the Frente Polisario had officially accepted the peace plan as presented to it, while Morocco, on the other side, had not relinquished its position, but had requested more time to reflect and consult before giving its final response. He also noted that progress had also been made towards the implementation of confidence-building measures, such as the resumption of telephone and mail services and the exchange of family visits

²⁸ S/2003/1016, submitted pursuant to resolution 1495 (2003).

between the Tindouf refugee camps and Western Sahara.

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously as resolution 1513 (2003), by which the Council, inter alia, decided to extend the mandate of MINURSO until 31 January 2004 and to remain seized of the matter.

²⁹ S/2003/1034.

2. The situation in Liberia

Decision of 7 March 2001 (4287th meeting): resolution 1343 (2001)

At the 4287th meeting,¹ on 7 March 2001, the President (Ukraine) drew the attention of the Security Council to a draft resolution,² which “flowed from previous discussions of the Council, including the meeting with an Economic Community of West African States (ECOWAS) ministerial delegation on 12 February 2001” and to several other documents.³

At the meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1343

¹ During this period, in addition to the meetings covered in this section, the Council held one meeting in private with the potential troop and civilian police-contributing countries to the proposed United Nations peacekeeping operation in Liberia, pursuant to resolution 1353 (2001), annex II, sections A and B (4825th meeting, held on 15 September 2003).

² S/2001/188.

³ Letter dated 23 February 2001 from the Government of Sierra Leone, transmitting a statement concerning the question of sanctions against Liberia (S/2001/166); letter dated 27 February 2001 from the Government of Sierra Leone, concerning the expulsion from Liberia of four telecommunications operators (two each from Sierra Leone and Guinea) by airport authorities (S/2001/176); letter dated 23 February 2001 from the Government of Liberia, transmitting a statement by the President of Liberia on alleged remarks attributed to the Army Chief of Staff of Guinea threatening to take the Guinean conflict deep into Liberia (S/2001/167); and letter dated 26 February 2001 from the Government of Guinea, concerning the development of the draft resolution on sanctions against Liberia (S/2001/173).

(2001), by which the Council, acting under Chapter VII of the Charter of the United Nations, inter alia:

Decided to terminate the prohibitions imposed by paragraph 8 of resolution 788 (1992) and to dissolve the ECOWAS Committee of Five on Liberia established under resolution 985 (1995);

Demanded that the Government of Liberia immediately cease its support for the Revolutionary United Front (RUF) in Sierra Leone and for other armed rebel groups in the region;

Demanded that all States in the region take action to prevent armed individuals and groups from using their territory to prepare and commit attacks on neighbouring countries and refrain from any action that might contribute to further destabilization of the situation on the borders between Guinea, Liberia and Sierra Leone;

Decided to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council, consisting of all the members of the Council;

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee, a Panel of Experts for a period of six months consisting of no more than five members, drawing, as much as possible and as appropriate, on the expertise of the members of the Panel of Experts established pursuant to resolution 1306 (2000).

Decision of 27 February 2002 (4481st meeting): resolution 1395 (2002)

At its 4405th meeting, on 5 November 2001, the Council included in its agenda a letter dated 26 October 2001 from the Chairman of the Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the

Security Council, transmitting the report of the Panel of Experts.⁴ In its report, the Panel of Experts stated that, after six months of its mandate, there were “significant signs of improvement” in the three Mano River Union countries despite the proliferation of the use of non-State actors in those conflicts. They also affirmed that the public commitments of the Government of Liberia to comply with the embargo notwithstanding, “a steady flow of new weapons continue[d] to enter into the country”. They recommended, *inter alia*, the lifting of the grounding order imposed by resolution 1343 (2001) and the reopening of the aircraft register in coordination with the International Civil Aviation Organization; the extension of the arms embargo; a regular and accurate publication of official annual rough diamond import/export statistics; and the updating of the travel ban list.

At the meeting, the President (Jamaica) drew the attention of the Council to the report of the Secretary-General pursuant to paragraph 13 (b) of resolution 1343 (2001)⁵ and to other documents.⁶ The Council then heard briefings by the Chairman of the Committee established pursuant to resolution 1343 (2001), the Chairman of the Panel of Experts on Liberia and the Director of the Office for the Coordination of Humanitarian Affairs of the Secretariat, following which all Council members made statements, as well as the representatives of Belgium,⁷ Guinea, Liberia and Sierra Leone.⁸

⁴ S/2001/1015.

⁵ On the efforts being made by the authorities of Liberia to reform their civil aviation administration with the assistance of the International Civil Aviation Organization (S/2001/965).

⁶ Letter dated 31 October 2001 from the representative of Liberia to the Secretary-General, transmitting a statement by the President of Liberia concerning the regime of sanctions imposed under resolution 1343 (2001), renewing his call for lifting of the sanctions (S/2001/1035); and letter dated 2 November 2001 from the representative of Singapore, demanding that the Panel of Experts present copies of all relevant documentation about payments for weapons deliveries from the account of Borneo Jaya Pte. Ltd. to the company San Air, referred to in its report (S/2001/1043).

⁷ On behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

⁸ The Minister for Foreign Affairs of Liberia represented his country at this meeting.

The Chairman of the Committee remarked that the report of the Panel of Experts on Liberia and the report of the Secretary-General on the humanitarian impact of possible sanctions on Liberia⁹ had been considered at two meetings of the Committee, on 22 and 25 October 2001.¹⁰

The Chairman of the Panel of Experts remarked that some countries had volunteered information and that several international organizations¹¹ had supplied useful cooperation and assistance. He declared that the Panel had cooperated with the authorities to obtain details on certain activities taking place within their jurisdiction. He highlighted the Panel’s work of tracing and reconstructing “the entire sequence of events, starting from the origin of weapons to their end destination, using documentary evidence and the direct eyewitness accounts of the persons involved”. He also declared that the Panel had been able to identify the most important networks supplying Liberia and RUF, and to give an analysis of the key players in those networks. He affirmed that the Panel had remained cognizant of the humanitarian situation before and after the imposition of the sanctions on Liberia. He added that the work of the Panel had led to visible changes in the behaviour of the trafficking networks.¹²

The Director of the Office for the Coordination of Humanitarian Affairs informed Council members about the report of the Secretary-General that provided a preliminary assessment of the potential impact on the people of Liberia of possible follow-up sanctions by the Council,¹³ and expressed the belief that the rather fragile humanitarian situation in Liberia could worsen

⁹ S/2001/939. The Secretary-General observed that “any restrictions imposed” on the economy of Liberia would probably have negative impacts on employment, social services and government revenues and that these factors and their implications would particularly affect “the most vulnerable of Liberia’s population”. Therefore, he recommended that, if the Council decided to establish additional sanctions, it might wish to consider establishing a mechanism to regularly review their impact on the humanitarian and economic situation of Liberia.

¹⁰ S/PV.4405, pp. 2-3.

¹¹ *Inter alia*, the International Criminal Police Organization, the International Civil Aviation Organization, and the International Maritime Organization.

¹² S/PV.4405, pp. 3-5 and 31.

¹³ S/2001/939, submitted pursuant to resolution 1343 (2001).

if further sanctions were not accompanied by an increase in the response of donors. He recommended that the Council establish mechanisms to regularly monitor the humanitarian and economic situation in Liberia if the Council imposed additional sanctions.¹⁴

The majority of the speakers expressed support for the continuation of the sanctions on Liberia imposed by the Council to achieve peace in Sierra Leone and the region; for the renewal of the mandate of the Panel of Experts, and for its recommendations, including extending the arms embargo to cover non-State actors in the three countries, Sierra Leone, Liberia and Guinea; the creation of a certification system on raw diamonds; and an updated travel ban list. Several speakers maintained that the measures needed to be targeted, calibrated and the negative humanitarian consequences minimized. A number of representatives suggested that the Panel's recommendation on extending the sanctions regime needed to be studied by the Council. A number of speakers expressed concern about the propaganda of the Government of Liberia against the United Nations actions. Several representatives demanded full compliance by all States with the sanctions. Most of the speakers expressed concern about the civilian population of Liberia, and encouraged donors and non-governmental organizations to resume their humanitarian aid. Most of the representatives welcomed the efforts of the ECOWAS to improve relations between the Government of Liberia and its neighbours and to achieve a greater effectiveness of embargoes on weapons.

Several representatives recommended establishing a permanent mechanism within the United Nations system to conduct comprehensive monitoring of all sanctions, or otherwise enhancing the internal monitoring capability of the United Nations.¹⁵

The representative of Mali added that ECOWAS had sent two missions from its Mediation and Security Council to Liberia in order to verify that measures had been taken by the authorities of Liberia to meet the demands of the international community. He welcomed the major efforts recently made by the Government of Liberia to improve its relations with Guinea and Sierra Leone. He added that it was essential to continue to

develop a true partnership between ECOWAS and the Security Council, thereby promoting a regional approach to conflict settlement, for they believed that "sanctions alone [could not] restore peace in West Africa".¹⁶

The representative of Mauritius expressed concern about the continued relationship between the Government of Liberia and RUF in Sierra Leone. He, therefore, insisted that the Government of Liberia needed to "play a more determining role in ridding the entire region of West Africa of rebellious activities" as well as to uphold the principles of accountability and good governance. He added that it was most unfortunate that at a time when Liberia was showing poor prospects for sustained economic development, "the leadership of the country [was] exploiting avenues for self-enrichment".¹⁷

The representative of Bangladesh noted the lack of attention in the report of the need to have regulatory frameworks addressing the arms producing and exporting countries, which would look into the supply side of the problem as well.¹⁸

The representative of France suggested investigating whether a direct relationship existed between the yield of exports of tropical wood and the arming of the RUF rebels in Sierra Leone, before the Council considered any measures to restrict timber exports, which supported so many people in Liberia. He also suggested the creation of a small investigatory team in the field that would work with the Panel of Experts and help the authorities of Liberia implement the measures set forth in resolution 1343 (2001).¹⁹

The representative of China expressed concern that "the existing Council sanctions measures still ha[d] loopholes" that were allowing serious violations.²⁰

The representative of Tunisia questioned "the validity and viability" of what were called targeted sanctions or smart sanctions, whose application "in the case of Liberia ha[d] shown their flaws". He supported maintaining dialogue with Liberia as an active party in finding a solution to the crisis afflicting the Mano River Union countries. He recommended that the

¹⁴ S/PV.4405, pp. 5-6 and 32.

¹⁵ Ibid., p. 7 (Ukraine); p. 11 (Mali); p. 19 (Singapore); and p. 25 (Jamaica).

¹⁶ Ibid., pp. 10-11.

¹⁷ Ibid., pp. 11-13.

¹⁸ Ibid., pp. 13-14.

¹⁹ Ibid., pp. 14-15.

²⁰ Ibid., pp. 15-16.

Council needed to refrain from action on the Panel of Experts' various recommendations until it had proceeded with an evaluation of the implementation of existing sanctions.²¹

The representative of Singapore declared that the lack of follow-up on the information contained in various sanctions panels' reports, such as the Sierra Leone Panel report, damaged the credibility of the United Nations sanctions themselves. He pointed out that a permanent monitoring mechanism in the Secretariat could also assist States in their implementation of the sanctions and that there needed to be better coordination within the United Nations system. He regretted that the report of the Working Group on sanctions had yet to be issued. On the question of the impact of sanctions, he maintained that the humanitarian situation and the sanctions needed to be considered as separate issues, declaring that there were indications that "the Government of Liberia's own corrupt practices have strongly discouraged international aid donors".²²

The representative of the Russian Federation stressed that the illegal activities by individual persons and corporations that were circumventing resolution 1343 (2001) needed to be very carefully investigated by the national law enforcement authorities of the relevant countries.²³

The representative of the United States maintained that the hardships faced by the people of Liberia had not started with the imposition of sanctions, but had resulted from years of war and the policies of the Government that had resulted in a decline in international assistance. His delegation believed that "continued targeted sanctions against the Taylor Government promote[d] progress" on alleviating the suffering of the people in Liberia and Sierra Leone "by encouraging an end to destructive policies in the region". He also questioned the reason why more non-governmental organizations were not involved in attempting to alleviate the suffering of the people of Liberia and why the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations were not doing more to help.²⁴

²¹ *Ibid.*, pp. 16-18.

²² *Ibid.*, pp. 18-20.

²³ *Ibid.*, pp. 20-21.

²⁴ *Ibid.*, pp. 23-24.

The representative of Liberia expressed his pleasure to see the report's publication, so that his Government would not be "repeatedly confronted with selective leaks and speculation via the Internet and in the print media". He expressed the belief that the Panel had merely sought to vindicate itself with respect to the inherent flaws of the original report, which had contributed to the imposition of sanctions on Liberia. He affirmed that the Government of Liberia was in compliance with resolution 1343 (2001) and regretted that all the actions and steps taken by the Government in compliance were "unfortunately relegated to meaningless comments made in passing". He pointed out that the Mano River Union countries had held and continued high-level discussions generally aimed at enhancing peace, security and stability within their territories. He maintained that the international community and the Security Council had ignored Liberia's security concerns relating to the attacks in Lofa County, even though it could have a long-term impact on the subregion. He called for the removal of sanctions in order to let Liberia defend its territory and sovereignty, as was the inherent right of every Member of that Organization under its constitution and Article 51 of the Charter of the United Nations. He affirmed that resolution 1343 (2001) was having a punitive effect and that there was a clear correlation between the imposition of sanctions and the decline of living standards. His Government was also concerned about the "apparent inequity" with which the sanctions were being administered, remarking that there had been no condemnation of the attacks committed by non-State actors along the Mano River frontier and their sponsors. He stressed that when "double standards are used in the dispositions of international disputes, efforts to achieve genuine peace are undermined".²⁵

The representative of Belgium maintained that the international community could not allow its efforts and the considerable resources that it had invested in peace in Sierra Leone to "continue to be sabotaged by manoeuvrings at the regional level". He supported the creation of a mechanism responsible for regularly reviewing the humanitarian and economic impact of sanctions imposed on Liberia if the Security Council adopted additional sanctions.²⁶

²⁵ *Ibid.*, pp. 25-28.

²⁶ *Ibid.*, pp. 28-29.

The representative of Guinea expressed concern over the many “flagrant” violations of resolution 1343 (2001). He believed that the current calm along the Guinean borders and the significant progress made in Sierra Leone had come because of the sanctions imposed on Liberia, as well as the fact that the Guinean armed forces had regained control of the situation on the ground and had been able to contain and push back rebel troop attacks. He pointed out that those positive events supporting the international community’s efforts to restore peace and security had been possible due to the “clear-sightedness” of the Mano River Women Peace Network.²⁷

The representative of Sierra Leone affirmed that the measures imposed by the Council on Liberia were “preferable to launching a multinational military action against Liberia”.²⁸

At the 4481st meeting, on 27 February 2002, the President (Mexico) drew the attention of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously and without debate as resolution 1395 (2002), by which the Council, inter alia:

Decided, in the meanwhile, to re-establish the Panel of Experts appointed pursuant to paragraph 19 of resolution 1343 (2001) for a further period of five weeks commencing no later than 11 March 2002;

Requested the Panel of Experts to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a brief independent audit of the Government of Liberia’s compliance with paragraph 2 and of any violations of paragraphs 5, 6 and 7 of resolution 1343 (2001) and to report to the Council through the Committee established by paragraph 14 of resolution 1343 (2001) no later than 8 April 2002 with the Panel’s observations and recommendations in relation to the tasks set out herein;

Requested the Secretary-General, upon the adoption of the resolution and acting in consultation with the Committee established by paragraph 14 of resolution 1343 (2001), to appoint no more than five experts, drawing as much as possible and as appropriate on the expertise of the members of the Panel of Experts appointed pursuant to paragraph 19 of resolution 1343 (2001), and further requested the Secretary-General to make the necessary financial arrangements to support the work of the Panel.

²⁷ Ibid., pp. 29-30.

²⁸ Ibid., pp. 30-31.

²⁹ S/2002/206.

**Decision of 6 May 2002 (4526th meeting):
resolution 1408 (2002)**

At its 4526th meeting, on 6 May 2002, the Council included in its agenda a letter dated 19 April 2002 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,³⁰ transmitting the report of the Panel of Experts appointed pursuant to resolution 1395 (2002), paragraph 4. In its report, the Panel of Experts observed that since its last report the war in Liberia’s Lofa County had spread towards Monrovia and a state of emergency had been declared in February 2002. The Panel pointed out that they had found credible evidence that Liberia had kept violating the arms embargo and that the numerous special units deployed by the Government were carrying new weaponry and ammunition. It recommended, inter alia, the continuity of the arms embargo; the expansion of the ECOWAS moratorium relating to small arms; and the creation of a credible certification scheme for rough diamonds.

The Council also included in its agenda the third report of the Secretary-General pursuant to resolution 1343 (2001).³¹ In his report, the Secretary-General observed that a summit meeting of the Heads of State of the Mano River Union countries had taken place in Rabat on 27 February 2002 under the auspices of the King of Morocco as well as several other meetings at the technical and ministerial levels in order to find a lasting solution to the crisis in the region. He added that a pre-reconciliation conference had been held in Abuja in March 2002, under the auspices of ECOWAS, in preparation for a full-fledged national reconciliation conference in Monrovia in July 2002.

At the meeting, the President (Singapore) drew the attention of the Council to a draft resolution;³² it was put to the vote and adopted unanimously and without debate as resolution 1408 (2002), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the Government of Liberia has not complied fully with the demands in paragraphs 2 (a-d) of resolution 1343 (2001);

³⁰ S/2002/470.

³¹ S/2002/494.

³² S/2002/514.

Decided that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) shall remain in force for a further period of 12 months;

Decided that the measures referred to in paragraph 5 shall be terminated immediately in the Council;

Determined that the Government of Liberia has complied with the demands referred to in paragraph 1;

Requested the Secretary-General to submit a report to the Council by 21 October 2002 and thereafter at six-monthly intervals from that date on whether Liberia has complied with the demands referred to in paragraph 1;

Requested the Secretary-General to establish, within three months from the date of adoption of this resolution, in consultation with the Committee, for a period of three months, a Panel of Experts consisting of no more than five members to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 1;

Decided to conduct reviews of the measures referred to in paragraph 5 before 7 November 2002, and every six months thereafter.

**Decision of 13 December 2002 (4665th meeting):
statement by the President**

At the 4665th meeting, on 13 December 2002, the President (Colombia) made a statement on behalf of the Council,³³ by which the Council, *inter alia*:

Expressed its strong support for the ECOWAS moratorium on small arms and light weapons in the region;

Encouraged the African Union and ECOWAS member States actively to promote the full implementation of existing security arrangements as well as further initiatives designed to support such arrangements among the countries of the Mano River Union;

Urged the Government of Liberia and the combatants, particularly the rebel group Liberians United for Reconciliation and Democracy (LURD), to provide unrestricted access to United Nations humanitarian agencies and non-governmental organizations to areas where refugees need to be assisted and human rights protected;

Urged all humanitarian organizations and donor countries to continue to provide humanitarian relief to the refugees and internally displaced persons;

Requested the Secretary-General to monitor the situation in Liberia and to keep the Council informed of developments to fulfil the objectives described herein.

³³ S/PRST/2002/36.

**Decision of 28 January 2003 (4693rd meeting):
resolution 1458 (2003)**

At the 4693rd meeting, on 28 January 2003, the President (France) drew the attention of the Council to a draft resolution;³⁴ it was put to the vote and adopted unanimously and without debate as resolution 1458 (2003), by which the Council, *inter alia*:

Decided to re-establish the Panel of Experts appointed pursuant to paragraph 16 of resolution 1408 (2002) for a further period of three months commencing no later than 10 February 2003;

Requested the Panel of Experts to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands referred to in paragraph 2 of resolution 1343 (2001), and of any violations of the measures referred to in paragraph 5 of resolution 1408 (2002);

Requested the Panel of Experts, as far as possible, to bring any relevant information collected in the course of its investigations conducted in accordance with its mandate to the attention of the States concerned for prompt and thorough investigation and corrective action, and to allow them the right of reply.

**Decision of 6 May 2003 (4751st meeting):
resolution 1478 (2003)**

At its 4751st meeting, on 6 May 2003, the Council included in its agenda a letter dated 24 April 2003 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,³⁵ transmitting the report of the Panel of Experts appointed pursuant to paragraph 4 of resolution 1458 (2003). In its report, the Panel of Experts observed that the conflict of Liberia was "once more no longer isolated" and its refugees and armed fighters had spilled over into its neighbouring countries, and that Liberia was violating the arms embargo, as was Guinea by supporting LURD. It recommended, *inter alia*, that the moratorium on the importation, exportation and manufacturing of small arms in West Africa needed to be broadened and become an information exchange mechanism for all types of weapons procured by ECOWAS members as well as the establishment of an international mechanism for harmonizing and verifying all end-user certificates for weapons.

³⁴ S/2003/98.

³⁵ S/2003/498.

At the meeting, the President (Pakistan) drew the attention of the Council to a draft resolution;³⁶ it was put to the vote and adopted unanimously and without debate as resolution 1478 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided that the Government of Liberia had not complied fully with the demands in resolution 1343 (2001);

Decided that the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001) would remain in force for a further period of 12 months and be terminated immediately if the Council determined that the Government of Liberia had complied with the demands referred to in paragraph 1;

Decided that all States should take the necessary measures to prevent, for a period of ten months, the import into their territories of all round logs and timber products originating in Liberia;

Decided to consider by 7 September 2003 how best to minimize any humanitarian or socio-economic impact of the measures imposed;

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee, for a period of five months, a Panel of Experts consisting of up to six members to conduct a follow-up assessment mission to Liberia and neighbouring States and to investigate whether any revenues of the Government of Liberia are used in violation of this resolution;

Decided that all States should take the necessary measures to prevent entry into or transit through their territories of any individuals, including from LURD or other armed rebel groups;

Decided to conduct reviews of the measures referred to in paragraphs 10 and 17 before 7 November 2003, and every six months thereafter.

**Decision of 1 August 2003 (4803rd meeting):
resolution 1497 (2003)**

At its 4803rd meeting,³⁷ on 1 August 2003, the Council included in its agenda a letter dated 29 July 2003 from the Secretary-General addressed to the President of the Security Council.³⁸ In his letter, the Secretary-General recalled that ECOWAS had indicated its readiness to deploy 1,500 troops to Liberia by August 2003 to serve as a vanguard force

for the multinational force that he had proposed. The deployment of the vanguard force would be the first phase of a three-phase deployment, phase two being the full multinational force and phase three being a United Nations peacekeeping operation. The priority of the vanguard force would be to stabilize the situation in Monrovia as President Taylor departed, and the phase two troops needed to arrive immediately after his departure, in order to facilitate the installation of a successor Government. The overall objective of the peacekeeping operation would be to support the implementation of the envisaged comprehensive peace agreement, leading to free elections. He requested that the Council give the United Nations Mission in Sierra Leone the necessary mandate to use its resources to provide full support for the deployment and authorize a robust mandate for the envisaged United Nations peacekeeping force so that it had a credible deterrence capability.

At the meeting the President (Syrian Arab Republic) drew attention to a draft resolution submitted by the United States³⁹ and to several other documents.⁴⁰

Statements were made by the representatives of Chile, China, France, Germany, Mexico and the United States. Most speakers supported the dispatch of a multinational force to Liberia and the deployment of a United Nations peacekeeping operation. The majority of representatives expressed concern about the humanitarian and human rights situation in Liberia and emphasized the importance of the commitment of President Taylor to abandon power. Some representatives underlined the importance of the involvement and efforts of ECOWAS and called on

³⁶ S/2003/522.

³⁷ For more information on the discussion at this meeting, see chap. IV, part IV, sect. B, case 2, with regard to voluntary abstention, non-participation or absence in relation to Article 27 (3) of the Charter.

³⁸ S/2003/769.

³⁹ S/2001/784.

⁴⁰ Letter dated 28 June 2003 from the Secretary-General, referring to the flagrant violations of the ceasefire in Liberia and requesting the Security Council to take urgent action to authorize the deployment to Liberia of a multinational force under Chapter VII of the Charter to prevent a humanitarian tragedy and stabilize the situation in the country (S/2003/678); letter dated 8 July 2003 from the Secretary-General, reporting a number of urgent initiatives taken in the light of the political situation in Liberia (S/2003/695); and letter from the President of the Security Council reporting that the Council had taken note of the information contained in the letter dated 8 July 2003 from the Secretary-General (S/2003/696).

Member States to contribute to the Multinational Force and United Nations peacekeeping mission.

The representatives of France, Germany and Mexico commented on their abstention in the vote and underlined their request for a paragraph-by-paragraph vote to the sponsor of the draft resolution. They indicated that the only reason for abstaining was their disagreement with paragraph 7 of the draft resolution,⁴¹ which limited the jurisdiction of the International Criminal Court and the national jurisdiction of third countries with respect to crimes committed by members of the multinational force if that member was the national of a State not party to the Rome Statute. This would have prevented prosecutors in States that might have to exercise jurisdiction over crimes committed against their nationals abroad from investigating and prosecuting those crimes. Moreover, their disagreement with the content of paragraph 7 was also due to its disconnection with the situation in Liberia as well as its non-compliance with international law and their respective countries' domestic legislation. The representative of Mexico also highlighted that paragraph 7 of the draft resolution "would set a serious precedent" by doing away with the prerogatives of States whose legislation provided for the exercise of criminal jurisdiction in cases where crimes were committed against their nationals abroad. He expressed concern at the fact that "paragraph 7 fails to provide guarantees" for the objective of "the elimination of impunity". Finally, he maintained that his country had never agreed with "the strategy of passive containment" that had been for so long adopted towards Liberia.⁴²

The representatives of Germany and Mexico also expressed regret over the delay in adopting the resolution.⁴³ The representative of Germany added that his delegation would have liked to see one more

paragraph in the draft resolution pertaining to children and their well-being.⁴⁴ The representative of China regretted that a compromise solution with regard to paragraph 7 of the resolution could not be found by the parties concerned.⁴⁵ The representative of Chile expressed concern about the fact that, "by making exceptions", the international community might impede the "harmonious development of international law".⁴⁵

The representative of France welcomed the fact that the resolution had been adopted "so rapidly". However, he cautioned that the scope of the "jurisdictional immunity thus created" caused "a problem of consistency" at a time when the Security Council had the intention of "spearheading the movement to reject impunity in all its forms". He welcomed the commitment of the United States to Liberia "within the United Nations framework".⁴⁶

The representative of the United States expressed his country's gratification by the "swift action taken by the Security Council" in adopting the resolution. He pointed out that their sponsorship of that resolution reflected the importance that the United States placed "on finding the right and effective means to bring peace to Liberia". He added that they appreciated the willingness of many of the West African States to assist in the vital task of restoring peace to Liberia, in particular Nigeria. He stressed that his President had "directed the Secretary of Defense to position appropriate military capabilities to support the deployment of an ECOWAS force".⁴⁷

The draft resolution was put to the vote and adopted by 12 votes to none, with 3 abstentions (France, Germany, Mexico), as resolution 1497 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Authorized Member States to establish a Multinational Force in Liberia to support the implementation of the 17 June 2003 ceasefire agreement; declared its readiness to establish such a follow-on United Nations stabilization force to support the transitional government and to assist in the implementation of a comprehensive peace agreement for Liberia and requested the Secretary-General to submit to the Council recommendations for the size, structure, and mandate of this force, preferably by 15 August 2003, and subsequent deployment of the United Nations force no later than 1 October 2003;

⁴¹ Paragraph 7 reads: "*Decides* that current or former officials or personnel from a contributing State which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the Multinational Force or the United Nations stabilization force in Liberia, unless such exclusive jurisdiction has been expressly waived by that contributing State" (resolution 1497 (2003)).

⁴² S/PV.4803, pp. 2-4.

⁴³ *Ibid.*, pp. 2-4 (Mexico); p. 4 (Germany); and pp. 6-7 (France).

⁴⁴ *Ibid.*, p. 4.

⁴⁵ *Ibid.*, pp. 6.

⁴⁶ *Ibid.*, p. 6-7.

⁴⁷ *Ibid.*, pp. 5-6.

Authorized the United Nations Mission in Sierra Leone to extend the necessary logistical support, for a limited period of up to 30 days, to the forward ECOWAS elements of the Multinational Force, without prejudicing the Mission's operational capability with respect to its mandate in Sierra Leone;

Decided that current or former officials or personnel from a contributing State should be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to the Multinational Force or United Nations stabilization force in Liberia;

Decided that the measures imposed by paragraphs 5 (a) and 5 (b) of resolution 1343 (2001) should not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of and use by the Multinational Force;

Demanded that all States in the region refrain from any action that might contribute to instability in Liberia or on the borders between Liberia, Guinea, Sierra Leone and Côte d'Ivoire.

Decision of 27 August 2003 (4815th meeting): statement by the President

At its 4815th meeting,⁴⁸ on 27 August 2003, the Council heard briefings by the Chairman of ECOWAS⁴⁹ and the Executive Secretary of ECOWAS on the situation in Liberia and the efforts of ECOWAS.⁵⁰

The Chairman of ECOWAS remarked that ECOWAS was "resolutely committed to the search for lasting peace in Liberia with a view to ensuring stability" in the entire Mano River Union area and the ECOWAS community at large. He referred to the ceasefire agreement of 17 June 2003 concluded among "the Taylor Government of Liberia", LURD and the Movement for Democracy in Liberia and to the Comprehensive Peace Agreement of 18 August 2003 (the Accra Agreement). He expressed the gratitude of the entire ECOWAS community to Nigeria, and

particularly its President, for offering political asylum to President Charles Taylor, who had left on 11 August, and for deploying a vanguard force of two battalions to Liberia. However, he expressed concern about recent measures by the Government of the United States, including the statement that the United States would pull out of direct involvement in Liberia when the United Nations peacekeeping operation began. He indicated that the Accra Agreement covered, inter alia, the cessation of hostilities; the containment, disarmament, demobilization, rehabilitation and reintegration of combatants; human rights issues; humanitarian issues; and the conduct of elections in Liberia in October 2005. He reaffirmed the determination of ECOWAS to continue to engage in Liberia after deployment of the stabilization force and to contribute troops to that force.⁵¹

The Executive Secretary of ECOWAS declared that the Council's visit to the subregion had "served as a catalyst for the Accra peace talks" and had offered the firm support of the Council to the peace process. He called for the establishment of a consultative mechanism under which there would be regular meetings between the United Nations and ECOWAS to discuss developments in Liberia. He pointed out that "conscious and deliberate efforts" needed to be directed at disarmament, demobilization and reintegration as well as to curb the proliferation of small arms and light weapons in West Africa. Finally, he spoke in favour of lifting all the sanctions currently imposed on Liberia, except the arms embargo, to further signal support for the peace process of Liberia.⁵²

At the same meeting the President (Syrian Arab Republic) made a statement on behalf of the Council,⁵³ by which the Council, inter alia:

Welcomed the Comprehensive Peace Agreement reached in Accra on 18 August 2003;

Remained concerned at the continuing dire humanitarian situation of much of the population;

Urged all parties to respect fully the ceasefire and to implement fully all their commitments under the Comprehensive Peace Agreement, including through full cooperation with the

⁴⁸ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 of the Charter; and chap. XII, part III, sect. B, with regard to encouragement or calls by the Security Council for action by regional arrangements in the pacific settlement of disputes.

⁴⁹ The Chairman of ECOWAS was the Minister for Foreign Affairs of Ghana.

⁵⁰ The representatives of Côte d'Ivoire, Ghana, Nigeria and Senegal were invited to participate. Côte d'Ivoire, Nigeria and Guinea were represented by their respective Ministers for Foreign Affairs.

⁵¹ S/PV.4815, pp. 2-5.

⁵² *Ibid.*, pp. 5-7. See chap. XII, part III, sect. B, "The situation in Liberia", for more information on the relationship between the Security Council and ECOWAS.

⁵³ S/PRST/2003/14.

ECOWAS Mission in Liberia, the United Nations, the International Contact Group on Liberia, the African Union and the United States to establish a Joint Monitoring Committee;

Reaffirmed its readiness as stated in paragraph 2 of its resolution 1497 (2003) to establish a follow-on United Nations stabilization force to support the transitional government and to assist in the implementation of a Comprehensive Peace Agreement for Liberia.

Decision of 19 September 2003 (4830th meeting): resolution 1509 (2003)

At its 4826th meeting,⁵⁴ on 16 September 2003, the Council included in its agenda the report of the Secretary-General on Liberia dated 11 September 2003.⁵⁵ In his report, the Secretary-General observed that the major functions performed by the United Nations Peacebuilding Support Office in Liberia would be transferred to the new United Nations operation in Liberia. Finally, he recommended that the Security Council, acting under Chapter VII of the Charter, authorize the deployment of a multidimensional United Nations peacekeeping operation with a mandate as the one suggested and with adequate resources.

The Council then heard a briefing by the Special Representative of the Secretary-General for Liberia, who reported on the humanitarian and political crisis in Liberia and explained the role and objectives as well as the required resources for a United Nations mission. He underlined that the international community needed to make a “strong commitment” to Liberia to build on the efforts of ECOWAS. Finally, he commended the rapid deployment of the ECOWAS military mission in Liberia.⁵⁶

At its 4830th meeting, on 19 September 2003, the Council again included in its agenda the report of the Secretary-General dated 11 September 2003.⁵⁶ The representative of Liberia was invited to participate in the discussion.

⁵⁴ At the 4816th meeting, held in private on 27 August 2003, members of the Council, members of the ECOWAS delegation, including the representatives of Ghana, Côte d’Ivoire, Nigeria and Senegal, and the Executive Secretary of ECOWAS had a constructive exchange of views.

⁵⁵ S/2003/875, submitted pursuant to resolution 1497 (2003).

⁵⁶ S/PV.4826, pp. 2-6.

The President (United Kingdom) then drew the attention of the Council to a draft resolution;⁵⁷ it was put to the vote and adopted unanimously and without debate as resolution 1509 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Decided to establish the United Nations Mission in Liberia (UNMIL), the stabilization force called for in resolution 1497 (2003), for a period of 12 months, and requested the Secretary-General to transfer authority from the forces of the ECOWAS Mission in Liberia to UNMIL on 1 October 2003, and further decided that UNMIL would consist of up to 15,000 United Nations military personnel, including up to 250 military observers and 160 staff officers, and up to 1,115 civilian police officers, including formed units to assist in the maintenance of law and order throughout Liberia, and the appropriate civilian component; decided that UNMIL could have the following mandate: (a) support for implementation of the Ceasefire Agreement; (b) support for humanitarian and human rights assistance; (c) support for security reform;

Demanded that the Liberian parties cease hostilities throughout Liberia and fulfil their obligations under the Comprehensive Peace Agreement and the ceasefire agreement, including cooperation in the formation of the Joint Monitoring Committee as established under the ceasefire agreement;

Demanded that all parties cease all use of child soldiers, that all parties cease all human rights violations and atrocities against the Liberia population, and stressed the need to bring to justice those responsible;

Decided that the measures imposed by paragraphs 5 (a) and 5 (b) of resolution 1343 (2001) should not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by UNMIL;

Decided to remain actively seized of the matter.

Decision of 22 December 2003 (4890th meeting): resolution 1521 (2003)

At its 4890th meeting, on 22 December 2003, the Council included in its agenda a letter dated 28 October 2003 from the Chairman of the Committee established pursuant to resolution 1343 (2001) addressed to the President of the Security Council,⁵⁸ transmitting the report of the Panel of Experts appointed pursuant to paragraph 25 of resolution 1478 (2003). In its report, the Panel of Experts observed that the Transitional National Government lacked the funding to operate properly and rebuild the necessary institutions to govern and that that the arms embargo,

⁵⁷ S/2003/898.

⁵⁸ S/2003/937 and Add.1.

the travel ban and the rules of civil aviation were being violated. It recommended, *inter alia*, the continuation of all sanctions; the establishment of a process using UNMIL to monitor the main ports, airports and border crossings; and the launch of a national sensitization campaign to inform Liberians about the justification for sanctions.

At the meeting the President (Bulgaria) drew the attention of the Council to a draft resolution;⁵⁹ it was put to the vote and adopted unanimously and without debate as resolution 1521 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to terminate prohibitions imposed by paragraphs 5, 6, 7 of resolution 1343 (2001) and paragraphs 17 and 28 of

⁵⁹ S/2003/1180.

resolution 1478 (2003) and to dissolve the committee established under resolution 1343 (2001);

Decided that all States should take necessary measures to prevent the sale or supply of arms to Liberia;

Decided also that all States should take necessary measures to prevent the entry or transit through their territories of all individuals designated by the Committee who constituted a threat to the peace process in Liberia;

Decided that all States should take necessary measures to prevent direct or indirect import of all rough diamonds, all round logs and timber products from Liberia;

Decided that those measures were established for 12 months from the date of adoption of the resolution;

Decided to establish a Committee of the Security Council to monitor implementation of the measures imposed by the resolution.

3. The situation in Somalia

Decision of 29 June 2000 (4167th meeting): statement by the President

At the 4166th meeting of the Security Council, on 29 June 2000, following a briefing by the Under-Secretary-General for Political Affairs, statements were made by all Council members, the representatives of Djibouti, Egypt, Ethiopia, the Libyan Arab Jamahiriya, Portugal (on behalf of the European Union¹) and Yemen, as well as the Permanent Observer of the League of Arab States.

The Under-Secretary-General for Political Affairs informed the Council that the Somali National Peace Conference, launched at Arta, in Djibouti, on 2 May 2000, had moved from its procedural stages to the consideration of substantial issues with the ultimate goal of drafting an interim charter and selecting the delegates for a Transitional National Assembly, which would, in turn, select the members of a Transitional National Administration for Somalia. While a large number of political leaders, government officials, Somalis from the diaspora and prominent members of civil society participated in the Conference, two “building blocks” — the self-styled “Somaliland” and

“Puntland” — remained outside the process. He emphasized that although Djibouti was acting as host and facilitator, the process was Somali-owned. The Under-Secretary-General also expressed concern about the humanitarian and security situation in Somalia and indicated that the support of the Council for the process would offer the best deterrence against obstructions from circles whose privileges and capacity to profit from disorder were threatened by a move towards peace.²

Speakers stressed the urgent need for a comprehensive and lasting solution to the crisis in Somalia and expressed support for the Djibouti peace initiative. They deplored the dire humanitarian situation, condemned the attacks on humanitarian personnel and urged all Somali factions to ensure their safety and freedom of movement. Furthermore, they expressed concern at the flow of arms to and within Somalia and called on the Security Council to endorse and support the Djibouti peace process and ensure strict implementation of the arms embargo on Somalia established by resolution 733 (1992).

The representative of Djibouti commended the exemplary efforts of the Secretary-General towards the peace process, his constant encouragement and support for the Conference and its goals. Highlighting the

¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

² S/PV.4166, pp. 2-5.

inclusive and transparent nature of the consultations, he reiterated that the current process was not designed to undermine in any way the existing administrative regions that had achieved a measure of relative peace and stability. On the contrary, those administrative units would be key components of any national framework. The ultimate objectives of the entire process were peace, government, legitimacy and reconstruction. He further noted that there was an economic dimension to the refusal of some parties to be part of the peace process. The Conference, in which great progress had been made in discussing a wide range of issues, could be seen as an innovative approach to the question of conflict-resolution and nation-building.³

The representative of Tunisia declared that the sanctions Committee on Somalia, in which he served as Chairman, would take steps to ensure compliance with the arms embargo, an approach which should not be perceived as punitive. He further announced the Committee's intention to send a mission to the region in order to secure the broadest participation by the parties concerned, an announcement which was welcomed by the representative of Canada.⁴

The Permanent Observer of the League of Arab States stated that the Council should reactivate the sanctions Committee in order to put in place the mechanisms necessary to halt the arms trade within and to Somalia and to strengthen the embargo. He further called on the Council to, *inter alia*, confirm respect for the unity and territorial integrity of Somaliland and refrain from interfering in the internal affairs of Somalia.⁵

The representative of the Netherlands cautioned that while his Government subscribed to the doctrine put forth by the Organization of African Unity⁶ regarding the sanctity of borders, it also considered inviolate borders to be desirable only if they enclosed a country where fundamental humanitarian rights were respected. Otherwise, those borders could become an instrument of coercion⁷. The representatives of Ukraine

and Egypt stressed the need to preserve the unity and independence of Somalia.⁸

The representative of China strongly urged the leaders of the main Somali factions who had stayed away from the Conference to manifest the necessary political courage and wisdom to take part in the peace process.⁹ The representative of the United States declared that any effort to rebuild Somalia had to be an all-inclusive process that enjoyed the support of existing regional entities and that was based on a legitimate process that derived from Somali civil society and rejected the predatory violence of the warlords.¹⁰

The representatives of Ethiopia and Yemen expressed concern at the regional impact of the events in Somalia, especially through the influx of refugees.¹¹ The representative of Malaysia maintained that a peaceful resolution of the Somali question would have a far-reaching stabilizing effect in the Horn of Africa.¹²

At the 4167th meeting, on 29 June 2000, the President (France) made a statement on behalf of the Council,¹³ by which the Council, *inter alia*:

Expressed its deep concern at the ongoing abuse of human rights and grave deterioration of the humanitarian situation in Somalia, which had led to death, displacement and the outbreak of diseases among the civilian population, particularly children and other vulnerable groups;

Strongly condemned attacks by armed groups on innocent civilians and all humanitarian personnel; strongly urged the Somali factions to respect international humanitarian and human rights law, to ensure the safety and freedom of movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief to all those in need;

Strongly urged representatives of all social and political forces of Somali society to participate actively and in a constructive spirit in the work of the Somali National Peace and Reconciliation Conference in Djibouti.

**Decision of 11 January 2001 (4255th meeting):
statement by the President**

On 19 December 2000, the Secretary-General submitted a report on the situation in Somalia,¹⁴ in

³ *Ibid.*, pp. 5-8.

⁴ *Ibid.*, p. 11 (Canada); and pp. 19-20 (Tunisia).

⁵ *Ibid.*, pp. 23-26.

⁶ On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

⁷ S/PV.4166, p. 14.

⁸ *Ibid.*, p. 16 (Ukraine); and p. 22 (Egypt).

⁹ *Ibid.*, p. 15.

¹⁰ *Ibid.*, p. 17.

¹¹ *Ibid.*, p. 22 (Yemen); and pp. 26-27 (Ethiopia).

¹² *Ibid.*, p. 10.

¹³ S/PRST/2000/22.

which he observed that the Djibouti peace process was intended to have a broader base and greater legitimacy than previous peacemaking efforts, which constituted a major asset for the Transitional National Government as it moved to the next stage of the process. Located in Mogadishu, the Transitional National Government had begun the process of establishing itself on Somali soil and expanding the areas under its influence. It had three years, until 2003, in which to prepare for the installation of permanent governance arrangements. During that period, basic political, economic and development challenges would have to be addressed by the new authorities, who would also have to complete the task of creating a government of unity and reconciliation and prepare for democratic elections. The Secretary-General noted that the absence of some Somali politicians and leaders from the Djibouti process had posed two immediate challenges for the new authorities: how to incorporate into the peace process those who were opposed to it and to its outcome, some of whom were heavily armed; and how to work out relations with the authorities in “Somaliland” and “Puntland” without jeopardizing the relative peace and stability in those two regions. In the light of the request made by the President of Djibouti at the Council’s closed meeting on 14 September 2000 for the Council to give serious consideration to a United Nations post-conflict peacebuilding mission in Somalia, the Secretary-General suggested that the Council might wish to consider what action might be appropriate to enhance the success of the Djibouti peace process by consolidating its achievements. He announced that he stood ready to prepare a proposal for a peacebuilding mission for Somalia. Expected to be based inside Somalia as soon as the security situation permitted, the mission’s key function would be to assist in the completion of the peace process.

At its 4255th meeting¹⁵, on 11 January 2001, the Council included the above-mentioned report of the

¹⁴ S/2000/1211, submitted pursuant to the presidential statement of 27 May 1999 (S/PRST/1999/16).

¹⁵ At its 4196th meeting, held in private on 14 September 2000, the Council heard a briefing by the President of Djibouti, during which, among other things, he requested the Council to give serious consideration to a United Nations post-conflict peace-building mission in Somalia. Members of the Council made comments and posed questions in connection with the briefing. At its 4254th meeting, held in private on 11 January 2001, the Council was briefed by the Prime Minister of the Transitional

Secretary-General in its agenda.¹⁴ The President (Singapore) made a statement on behalf of the Council,¹⁶ by which the Council, inter alia:

Welcomed the efforts of the Transitional National Government to promote reconciliation within Somalia;

Strongly urged all political groups in the country to engage in peaceful and constructive dialogue with the Transitional National Government in order to promote national reconciliation and facilitate the democratic elections scheduled for 2003 as called for in the Transitional National Charter;

Underlined the massive challenges facing Somalia with respect to reconstruction and development, and the immediate need for urgent assistance, particularly in the areas of demobilization (with special attention to measures to combat HIV/AIDS and other communicable diseases), disarmament and rehabilitation of basic infrastructure;

Strongly condemned the illegal supply of weapons to recipients in Somalia; reiterated its call upon all States, the United Nations and other international organizations and entities to report to the Committee established pursuant to resolution 751 (1992) information on possible violations of the arms embargo;

Welcomed the Secretary-General’s intention to put in place a trust fund for peacebuilding in Somalia;

Invited the Secretary-General to prepare a proposal for a peacebuilding mission for Somalia which should, with specific attention to the security situation in the country, outline possible ways to advance the peace process further.

**Decision of 19 June 2001 (4332nd meeting):
resolution 1356 (2001)**

At the 4332nd meeting, on 19 June 2001, the President (Bangladesh) drew attention to a draft resolution;¹⁷ it was adopted unanimously and without debate as resolution 1356 (2001), by which the Council, acting under Chapter VII of the Charter of the United Nations, inter alia:

Reiterated to all States their obligation to comply with measures imposed pursuant to resolution 733 (1992);

Decided that those measures should not apply to protective clothing temporarily exported to Somalia by United Nations personnel, media, humanitarian and development workers for their own use;

National Government of Somalia. Members of the Council made comments and posed questions in connection with the briefing.

¹⁶ S/PRST/2001/1.

¹⁷ S/2001/589.

Decided that those measures should not apply to non-lethal military equipment intended solely for humanitarian or protective use;

Requested the Committee to decide upon such requests for exemption.

**Decision of 31 October 2001 (4401st meeting):
statement by the President**

In his report on the situation in Somalia dated 11 October 2001,¹⁸ the Secretary-General observed that the conclusion of the Djibouti peace process in Arta was an important milestone in the search for peace and reconciliation in Somalia. In his view, the Arta process remained the most viable option for lasting peace in Somalia. He recalled that the Transitional National Government had inherited none of the formal institutions of a modern State on the basis of which a national authority could be said to have control over a territory. He further noted that in recent weeks the authority of the “Presidents” of both “Somaliland” and “Puntland” had been challenged, which had led to uncertainty regarding the political stability of those regions. He stressed that while the search for a national solution continued, much more attention could be paid to local political settlements. The process of rebuilding national institutions should go forward alongside strong and impartial efforts at local reconciliation. He expressed his intention to consult all concerned on the feasibility of setting up a Committee of Friends of Somalia to focus on ways and means of drawing attention to Somalia’s needs in the area of national reconciliation. Referring to the Council’s request for a proposal for a peacebuilding mission for Somalia, the Secretary-General reported that a security assessment of Mogadishu undertaken late in February 2001 had concluded that the security situation did not make it possible to deploy a peacebuilding office in the country. The security situation had not improved, the seaport and airport remained closed and there was no single authority in the country that could assure security and unimpeded access to the United Nations even in Mogadishu. Under those circumstances, he could not recommend the deployment of a post-conflict peacebuilding mission in Somalia. When the security situation improved enough to allow for the establishment of such a mission, he would submit a detailed proposal to the Council.

¹⁸ S/2001/963, submitted pursuant to the presidential statement of 27 May 1999 (S/PRST/1999/16).

At its 4392nd meeting, on 19 October 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.¹⁸ The Council was briefed by the Representative of the Secretary-General for Somalia and statements were made by all Council members and the representatives of Belgium (on behalf of the European Union¹⁹), Djibouti, Egypt, Ethiopia, Iraq, Japan, Kenya, the Libyan Arab Jamahiriya, Nigeria, Qatar, Somalia,²⁰ the Syrian Arab Republic and Yemen, as well as the Permanent Observer of the Organization of the Islamic Conference.

The Representative of the Secretary-General observed that during the 10 years that had passed since the collapse of the Siad Barre regime, Somalia had been without any national institutions of any description. As a result, the main focus of loyalty and source of identity for many Somalis remained the clan. He stressed that the task in Somalia was not so much that of negotiating ceasefires, but helping the Somalis to devise institutions which commanded the allegiance of the population over and above the clan. In his view, the crucial question was to find a role for all clans within the future structure of Somalia. He indicated that another problem was the proliferation of initiatives to assist Somalia.²¹

The representative of Somalia enumerated the principles upon which the process of national reconciliation was built, which included that the outcome of the Arta peace process would continue to be the basis for the pursuit of Somali reconciliation; the process would continue to be a Somali one; and the engagement of those who were outside the Arta peace process through sustained dialogue and negotiations was a crucial component of the national reconciliation endeavour. In the light of those principles, the Somali Government had succeeded in bringing on board two out of the five factions based in Mogadishu which had not supported the Arta Conference, while intensive negotiations were going on with the remaining factions and with the northern administrative entities of “Somaliland” and “Puntland”. He noted with regret that the Secretary-General’s report did not recommend the establishment of a peacebuilding mission in Somalia. In his view, the failure to create such a mission would

¹⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁰ Somalia was represented by its Prime Minister.

²¹ S/PV.4392, pp. 2-3.

further contribute to the vicious circle of inadequate security and the perpetuation of the benign neglect to which his country had been subjected over a decade. Considering that the establishment of the peacebuilding mission was imperative and critical at that moment, he proposed the dispatch of a high-level inter-agency United Nations mission to Somalia, with a mandate to critically examine the work of the security office in Nairobi and to re-evaluate, in an objective manner, the security situation in Mogadishu and the whole Somalia. He further welcomed the creation of a Committee of Friends of Somalia.²²

The majority of the speakers expressed support for the work of the Transitional National Government and believed that the Arta peace process presented the most viable option for lasting peace in Somalia. Speakers also gave general support for the idea of the establishment of a Committee of Friends. Many speakers further noted their concern about the grave humanitarian situation in Somalia and underlined the need for the international community to provide assistance to the Somali people. A number of speakers pointed out that the recent escalation of conflict in Somalia was intrinsically linked to the spread of small arms in the area and demanded the respect of the arms embargo on Somalia imposed by resolution 733 (1992).

The representatives of the United Kingdom and the United States agreed with the conclusion of the Secretary-General that security conditions in Somalia precluded the establishment of a peacebuilding mission at the time.²³ The representative of Norway condemned the recent attacks on a police station in Mogadishu and noted that, nevertheless, there seemed to have been improvements in the security situation in Somalia recently and stressed that peacebuilding should not be held hostage to deliberate actions by a small subset of Somalis to prevent the country from returning to normalcy and the rehabilitation of its governing structure.²⁴ Against that background, he joined a number of other speakers in asking the Secretary-General to carry out a comprehensive inter-agency security assessment in Somalia.²⁵

While acknowledging the reasons that had led the Secretary-General not to recommend the establishment of a post-conflict peacebuilding mission in Somalia, the representative of Egypt stressed that the United Nations could not wait until perfect conditions prevailed before deploying such a mission, especially since such a logic would only create a vicious cycle in which any real hopes of providing peace and security to the Somali people would evaporate.²⁶ Similarly, the representative of Tunisia believed that maintaining the status quo in Somalia was not an option, and the Secretary-General's recommendations were not sufficient to advance a solution to the crisis in that country. He stated that it was the time to define the roles of various external actors and, in particular, the role of the Security Council in the Somali problem.²⁷ The representative of the Libyan Arab Jamahiriya suggested that a peacebuilding mission could be permanently deployed in Somalia in order to "lay the egg of peace". In his view, calling upon the Transitional National Government to establish peace, then having the Security Council guarantee the peace, would be acting like those who would "place the cart before the horse".²⁸

A number of representatives urged the Council to dispatch a fact-finding mission to Somalia to ascertain the situation on the ground and report on progress towards the restoration of peace.²⁹

At its 4401st meeting, on 31 October 2001, the Council again included in its agenda the report of the Secretary-General dated 11 October 2001.³⁰ The President (Ireland) made a statement on behalf of the Council,³¹ by which the Council:

Reiterated its support for the outcome of the Arta peace conference, the establishment of the Transitional National Assembly and the Transitional National Government;

Called on all parties to refrain from actions that undermined the Arta peace process; and emphasized that, while the search for a national solution continued, unwavering

(Djibouti); S/PV.4392 (Resumption 1), p. 4 (Belgium on behalf of the European Union).

²⁶ S/PV.4392, p. 27.

²⁷ Ibid., p. 12.

²⁸ Ibid., p. 29.

²⁹ Ibid., p. 29 (Libyan Arab Jamahiriya); S/PV.4392 (Resumption 1), p. 6 (Nigeria); p. 7 (Yemen); p. 11 (Syrian Arab Republic); and p. 12 (Qatar).

³⁰ S/2001/963.

³¹ S/PRST/2001/30.

²² Ibid., pp. 3-6.

²³ Ibid., pp. 13-14 (United Kingdom); and p. 15 (United States).

²⁴ Ibid., p. 17.

²⁵ Ibid., p. 8 (France); p. 9 (Singapore); p. 11 (Russian Federation); p. 15 (Colombia); p. 17 (Norway); p. 18 (Mauritius); p. 20 (Jamaica); p. 23 (Ireland); and p. 25

attention must be paid to achieving local political settlements as well;

Expressed its support for the Transitional National Government's ongoing efforts to enhance security in the Mogadishu area and to make operational the National Commission for Reconciliation and Property Settlement, which should be independent, as foreseen in the Transitional National Charter;

Called on all States and other actors to comply scrupulously with the arms embargo established by resolution 733 (1992); strongly condemned the attack on 13 October 2001 on a police station in Mogadishu and the attack on 27 March 2001 on the compound of Médecins sans Frontières in Mogadishu and the subsequent abduction of international personnel, and demanded that those responsible must be brought to justice;

Expressed concern about the humanitarian situation in Somalia, in particular in southern areas, and in the Bay, Bakool, Gedo and Hiran regions due to the expected food insecurity and lack of rainfall;

Requested the Secretary-General to take steps as outlined in support of the peace process in Somalia.

**Decision of 28 March 2002 (4502nd meeting):
statement by the President**

At its 4487th meeting,³² on 11 March 2002, the Council included in its agenda the report of the Secretary-General dated 21 February 2002.³³ In his report, the Secretary-General observed, *inter alia*, that although the Security Council had stated that the Arta peace process was the most viable basis for peace, the peace process was incomplete and there was a divergence of views among the States members of the Intergovernmental Authority on Development (IGAD) regarding national reconciliation in Somalia. However, the decision taken at the ninth IGAD summit refocused attention on national reconciliation in Somalia and reached an encouraging understanding regarding specific steps to be taken by the IGAD countries concerned. The IGAD decision on Somalia was significant also because it acknowledged that consensus among Somalia's neighbours was essential in order to support a way forward in search of a more broad-based transitional arrangement for the country.

³² At the 4486th meeting, held in private on 11 March 2002, members of the Council and the Minister for Foreign Affairs of the Transitional National Government of Somalia had a constructive discussion.

³³ S/2002/189, submitted pursuant to the presidential statement of 31 October 2001 (S/PRST/2001/30).

He urged the IGAD member countries and other States in the region to contribute constructively to peace efforts and announced that the United Nations would also do all that was possible to achieve progress in the peace process, including through the deployment of a post-conflict peacebuilding mission, once security conditions permitted. Based on the general support expressed to the proposal to establish a Committee of Friends of Somalia, he intended to establish such a Committee in Nairobi and New York. He further reported that the inter-agency security assessment had confirmed that the security situation in Mogadishu did not allow for a long-term United Nations presence. Under those circumstances, a comprehensive peacebuilding programme could not yet be launched in Somalia. He stressed that greater unity of purpose of Somalia's friends and neighbours was needed and that only Somalia's leaders could decide to end the conflict.

At the meeting, statements were made by all Council members and by the representatives of Djibouti, Egypt, Ethiopia, Kenya, Jordan, the Libyan Arab Jamahiriya, Somalia³⁴ and Spain (on behalf of the European Union³⁵).

Most speakers welcomed the IGAD proposal to hold a peace and reconciliation conference, expressed support for the Arta process and the Transitional National Government, welcomed the Secretary-General's intention to set up the Committee of Friends, and shared the Secretary-General's view that only Somalia's leaders could end the conflict. They further voiced concern about the humanitarian situation and called on the Somali factions to ensure the freedom of movement, as well as the safety and security of humanitarian personnel. Speakers also expressed concern about the proliferation of small arms in Somalia and the violations of the arms embargo established pursuant to resolution 733 (1992). While calling for the reinforcement of the embargo, they commented on the social and humanitarian impact of blocking assets belonging to the Al-Barakaat companies. Taking into account the "very grave" consequences of the freeze on the assets of Al-Barakaat, the representative of France insisted that

³⁴ Somalia was represented by the Minister for Foreign Affairs of the Transitional National Government.

³⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

the formula of a controlled lifting of the freeze, proposed by the Somali authorities, should be welcomed.³⁶

The representative of the Libyan Arab Jamahiriya held that the international community must stand “shoulder to shoulder” with the Transitional National Government, as there was “no alternative”. The Council could not remain neutral, since neutrality only strengthened the hand of the warlords or sent them an indirect message that the Council did not really care and that they could continue their warring activities in the country.³⁷

On the security situation, most speakers expressed support for the Secretary-General’s view that the security situation in Mogadishu did not allow for a long-term United Nations presence, as had been confirmed by the inter-agency security assessment, and that under those circumstances a post-conflict peacebuilding programme could not be launched in Somalia. In contrast, a number of representatives expressed the view that the United Nations should not be held hostage by the activities of the warlords.³⁸ Echoed by several speakers, the representative of the Syrian Arab Republic expressed the view that there was an imperative need to formulate specific recommendations that would enable the United Nations to provide greater assistance, as proposed by the Council in its presidential statement of 31 October 2001.³⁹

The representative of France, while favouring a peacebuilding mission in Somalia as soon as the security conditions allowed, underlined that the security situation in Mogadishu, in particular, needed to be regularly assessed in the hope that the United Nations could return, especially to the capital.⁴⁰ The representative of Jordan called on the Council to dispatch a fact-finding mission to Somalia to assess the situation there and re-examine the situation on the ground.⁴¹

Regarding the security situation, the representative of Somalia held that a multiple-track approach would be the most appropriate way forward, providing the Transitional National Government with the necessary resources and tools to enhance security in Mogadishu and other areas in Somalia; ensure the strict enforcement of the sanctions regime regarding the illegal influx of weapons and arms; sustain a continuous contribution to the campaign against terrorism; and sustain support for the IGAD-sponsored peace process, sending a very strong signal to the warlords that their failure to contribute positively to the peace process would result in punitive measures taken against them.⁴²

On efforts to combat terrorism, the representatives of Ireland and Spain, the latter speaking on behalf of the European Union, welcomed the establishment of a counter-terrorism task force by the Transitional National Government.⁴³ The representative of Colombia recalled that the Transitional National Government had asked the international community for assistance so that it could create the infrastructure necessary for ensuring full compliance with resolution 1373 (2001).⁴⁴

At its 4502nd meeting, on 28 March 2002, in which the representative of Somalia was invited to participate, the Council again included in its agenda the report of the Secretary-General dated 21 February 2002.⁴⁵ The President (Norway) made a statement on behalf of the Council,⁴⁶ by which the Council, *inter alia*:

Reiterated its support for the Arta peace process; urged the Transitional National Government, local authorities and traditional leaders in Somalia to make every effort to complete the peace and reconciliation process through dialogue, with the view to establish an all-inclusive government in Somalia; and strongly supported the decisions by the ninth IGAD Summit and by the IGAD Foreign Ministers Committee on 14 February 2002 to convene a National Reconciliation Conference for Somalia in Nairobi in April 2002;

Encouraged the Secretary-General, through his Special Adviser and the United Nations Political Office for Somalia, to support actively the IGAD initiative;

³⁶ S/PV.4487, p. 8.

³⁷ S/PV.4487 (Resumption 1), pp. 8-9.

³⁸ S/PV.4487, pp. 4-6 (Syrian Arab Republic); and pp. 8-10 (Mauritius); S/PV.4487 (Resumption 1), pp. 4-5 (Egypt); and pp. 8-9 (Libyan Arab Jamahiriya).

³⁹ S/PV.4487, pp. 4-6 (Syrian Arab Republic); pp. 8-10 (Mauritius); and pp. 11-12 (Ireland); S/PV.4487 (Resumption 1), pp. 2-4 (Spain on behalf of the European Union).

⁴⁰ S/PV.4487, p. 8.

⁴¹ S/PV.4487 (Resumption 1), p. 2.

⁴² *Ibid.*, pp. 12-13.

⁴³ S/PV.4487, p. 12 (Ireland); S/PV.4487 (Resumption 1), p. 3 (Spain on behalf of the European Union).

⁴⁴ S/PV.4487, pp. 6-7.

⁴⁵ S/2002/189.

⁴⁶ S/PRST/2002/8.

Noted with serious concern the continued flow of weapons and ammunition supplies to Somalia;

Emphasized the necessity for further efforts against international terrorism in accordance with resolution 1373 (2001) of 28 September 2001;

Expressed concern about the humanitarian situation in Somalia and called on Member States to respond urgently and generously to the United Nations Consolidated Inter-Agency Appeal for 2002;

Requested the Secretary-General to establish without further delay a trust fund for peacebuilding in Somalia;

Endorsed a working mission to the region consisting of members of the Council and Secretariat staff; endorsed the establishment of the Somalia Contact Group to operate in Nairobi and New York; and welcomed the appointment of Winston A. Tubman as the Representative of the Secretary-General and Head of the United Nations Political Office for Somalia.

**Decision of 3 May 2002 (4524th meeting):
resolution 1407 (2002)**

At the 4524th meeting, on 3 May 2002, in which the representative of Somalia was invited to participate, the President (Singapore) drew attention to a draft resolution;⁴⁷ it was adopted unanimously and without debate as resolution 1407 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in preparation for a Panel of Experts, a team of experts consisting of two members for a period of 30 days, to provide the Committee with an action plan detailing the resources and expertise that the Panel of Experts would require to be able to generate independent information on violations and for improving the enforcement of the weapon and military equipment embargo established by paragraph 5 of resolution 733 (1992); requested the Chairman of the Committee to forward the report of the team of experts, within two weeks of its reception, to the Security Council for its consideration; urged all other individuals and entities contacted by the Chairman of the Committee or the team of experts to cooperate fully by providing relevant information and facilitating their investigations, including political and traditional leaders, members of civil society and the business community, financial institutions and intermediaries, other brokering agencies, civil aviation companies and authorities, non-governmental organizations, intergovernmental organizations and international law enforcement cooperation bodies;

⁴⁷ S/2002/507.

Called upon all States, in particular those in the region, to provide the Committee with all available information on violations of the arms embargo; and decided to remain seized of the matter.

**Decision of 22 July 2002 (4580th meeting):
resolution 1425 (2002)**

At its 4580th meeting,⁴⁸ on 22 July 2002, the Council included in its agenda the report of the Secretary-General of 27 June 2002.⁴⁹ In his report, the Secretary-General observed that, despite the efforts of the Government of Kenya in coordinating the IGAD initiative to convene the national reconciliation conference for Somalia, the conference was not held in April as anticipated. Consequently, the IGAD peace process was at an impasse because of differences on how to proceed on national reconciliation. He stressed that the environment of apparent suspicion, both among regional countries and inside Somalia, needed to be defused. He hoped that the Somalia Contact Group would prove to be a useful forum for the exchange of information and coordination of peacemaking efforts among external actors. He also deplored the escalation of violence in recent months, particularly in Mogadishu and Gedo and indicated that the security and humanitarian situations remained problematic.

At the meeting, the President (United Kingdom) drew attention to a draft resolution;⁵⁰ it was adopted unanimously and without debate as resolution 1425 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to establish, within one month from the date of adoption of the resolution, in consultation with the Committee established pursuant to resolution 751 (1992); a Panel of Experts consisting of three members to be based in Nairobi for a period of six months, in order to generate independent information on violations of the arms embargo and as a step towards giving effect to and strengthening the embargo;

Urged all other individuals and entities contacted by the Panel of Experts to cooperate fully by providing relevant

⁴⁸ At its 4565th meeting, held in private on 3 July 2002, the Council was briefed by the Representative of the Secretary-General and Head of the United Nations Political Office for Somalia.

⁴⁹ S/2002/709, submitted pursuant to the presidential statements of 31 October 2001 and 28 March 2002 (S/PRST/2001/30 and S/PRST/2002/8, respectively).

⁵⁰ S/2002/799.

information and facilitating its investigations, including political and traditional leaders, members of the civil society and the business community, financial institutions and intermediaries, other brokering agencies, civil aviation companies and authorities, non-governmental organizations, intergovernmental organizations and international law enforcement cooperation bodies;

Requested the Panel of Experts to submit a final report at the end of its mandated period to the Security Council, through the Committee, for its consideration; requested the Secretary-General, in his next report due on 31 October 2002, to include updates on the activities undertaken to coordinate ongoing peacebuilding initiatives and to provide for their incremental expansion; the technical assistance and cooperation provided to enhance the administrative and judicial capacities throughout Somalia; and the reporting by States to the Committee on measures they have in place to ensure the full and effective implementation of the arms embargo, in accordance with resolution 1407 (2002); and decided to remain actively seized of the matter.

Decision of 12 December 2002 (4663rd meeting): statement by the President

At its 4663rd meeting, on 12 December 2002, the Council included in its agenda the report of the Secretary-General dated 25 October 2002.⁵¹ In his report, the Secretary-General welcomed the opening of the Somali National Reconciliation Conference at Eldoret, Kenya, on 15 October 2002. He noted that the international community had to continue working with the IGAD countries and responsible Somali leaders to keep the peace process on track, and stressed that only Somali leaders could decide to end the conflict. He indicated that one area of critical concern was the proliferation of arms and highlighted the need to disarm armed men, many of whom were youths, and to reintegrate them as useful members of their communities. In that connection, he called on the international community, in particular the IGAD countries, and all Somalis to cooperate with and help the Panel of Experts on the arms embargo, which had begun its work in Nairobi. He further noted that aid workers continued to face an unacceptable level of insecurity and urged concerted international action to put an end to the impunity with which armed groups continued to harass humanitarian and development agencies. The United Nations was still ready to deploy

⁵¹ S/2002/1201, submitted pursuant to the presidential statement of 31 October 2001 (S/PRST/2001/30) and resolution 1425 (2002).

a post-conflict peacebuilding mission as soon as security conditions permitted.

At the same meeting, in which the representative of Somalia was invited to participate, the President (Colombia) made a statement on behalf of the Council,⁵² by which, the Council, *inter alia*:

Reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia;

Welcomed the Eldoret Declaration as an important step towards the ending the violence and suffering of the Somali people; and welcomed the Joint Declaration issued by involved parties in Mogadishu on 2 December 2002;

Encouraged Member States urgently to provide further contributions in support of the Somali National Reconciliation Process;

Condemned recent attacks on humanitarian personnel and civilians in Somalia; and expressed serious concern regarding the situation of displaced persons in Somalia;

Called on all Member States, entities and individuals to respect fully the arms embargo established by resolution 733 (1992);

Requested the Secretary-General to continue preparatory activities on the ground for a post-conflict peacebuilding mission in Somalia once security conditions permitted.

Decision of 12 March 2003 (4718th meeting): statement by the President

At its 4718th meeting, on 12 March 2003, the Council included in its agenda the report of the Secretary-General dated 26 February 2003.⁵³ In his report, the Secretary-General stressed that the international community continued to support the Somali national reconciliation process launched under the auspices of IGAD and led by Kenya. He noted that the first phase of the process had ended with the signing of the Eldoret Declaration on 27 October 2002, by which the participants pledged, among other things, to cease hostilities and guarantee the security of all humanitarian and development personnel and installations. He further commended the IGAD frontline States for their decision to set up a mechanism to monitor compliance with the Eldoret Declaration, noting that hostilities in Somalia were motivated by individual rivalries and criminal activities

⁵² S/PRST/2002/35.

⁵³ S/2003/231, submitted pursuant to the presidential statement of 31 October 2001 (S/PRST/2001/30) and resolution 1425 (2002).

rather than wider issues. In a positive development, he observed that Somali leaders in Mogadishu had committed themselves, early in December 2002, to ceasing hostilities and reopening the Mogadishu seaport and airport. Since then, however, serious hostilities had occurred involving the militias and supporters of some of the very leaders who had signed the Eldoret Declaration and December agreements. As a result, assistance delivery continued to be seriously affected, despite the fact that chronic food insecurity had resulted in unacceptably high malnutrition rates, which had become endemic in parts of Somalia. On the other hand, in some more stable areas, community-based peacebuilding activities had evolved, which presented windows of opportunity to build on the peace that had been achieved. Failure to do so, however, could result in renewed conflict.

At the same meeting, the President (Guinea) made a statement on behalf of the Council,⁵⁴ by which the Council, *inter alia*:

Reiterated its firm support for the Somali National Reconciliation Process;

Demanded that the Somali parties abide by and implement the Eldoret Declaration;

Called on the IGAD Technical Committee to continue its active role in promoting the Process;

Urged all parties involved to participate fully in the six reconciliation committees;

Expressed concern regarding the humanitarian situation in Somalia and urged the Somali leaders to facilitate the delivery of humanitarian assistance;

Requested the Secretary-General to continue preparatory activities on the ground for a post-conflict peacebuilding mission in Somalia once security condition permitted;

Reiterated its commitment to assist the Somali parties and support the IGAD mediation.

**Decision of 8 April 2003 (4737th meeting):
resolution 1474 (2003)**

At the 4737th meeting, on 8 April 2003, in which the representative of Somalia was invited to participate, the President (Mexico) drew attention to a draft resolution;⁵⁵ it was adopted unanimously and without debate as resolution 1474 (2003), by which the

Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to re-establish a Panel of Experts for a period of six months commencing no later than three weeks from the date of the adoption of the resolution, to be based in Nairobi;

Requested the Secretary-General to appoint up to four experts, including the Chairman;

Further requested the Secretary-General to ensure that the Panel of Experts comprised, and had access to, sufficient expertise in the areas of armament and financing thereof, civil aviation, maritime transport, and regional affairs;

Requested all Somali and regional parties as well as government officials and other actors contacted outside the region to cooperate fully with the Panel of Experts;

Requested the Panel of Experts to provide a mid-term briefing to the Council;

Decided to send a mission of the Committee, led by the Chairman of the Committee, to the region;

Called again upon all States, in particular those in the region, to provide the Committee with all available information on violations of the arms embargo; called upon regional organizations, in particular the African Union and the League of Arab States, as well as States that had the resources, to assist Somali parties and the States in the region in their efforts to fully implement the arms embargo.

**Decision of 11 November 2003 (4856th
meeting): statement by the President**

On 13 October 2003, the Secretary-General submitted a report on the situation in Somalia,⁵⁶ by which he observed, *inter alia*, that the Somali national reconciliation process under the auspices of IGAD had devoted almost a year of sustained effort to trying to arrive at a durable and inclusive solution to the conflict in Somalia, including through the Kenya-facilitated Somali National Reconciliation Conference in Mbagathi. Notwithstanding the progress made at the Mbagathi Conference, further advances had been slow owing to differences on the issue of federalism and on the relationship of the future transitional government with existing regional and local authorities, in particular "Somaliland". The situation had been complicated by the expiration on 26 August 2003 of the mandate of the Transitional National Government. He observed that key Member States, in the region as well as outside it, should monitor and support the

⁵⁴ S/PRST/2003/2.

⁵⁵ S/2003/408.

⁵⁶ S/2003/987, submitted pursuant to the presidential statement of 31 October 2001 (S/PRST/2001/30).

efforts of Somali leaders and the IGAD Technical Committee in helping to ensure that the Mbagathi Conference culminated in an inclusive and comprehensive agreement. In that context, he welcomed the African Union's commitment to deploy a military observer mission to Somalia to monitor the cessation of hostilities. He further indicated that conflict and violence continued and the activities of United Nations agencies and partners had been curtailed due to insecurity prevailing in many parts of the country. Humanitarian and development workers in Somalia were calling upon the international community to hold the Somali leaders accountable for the welfare of their people and for the legitimacy of the leaders to be judged accordingly. In that context, he welcomed the decision of the Security Council Committee established pursuant to resolution 751 (1992) to visit the region to strengthen the arms embargo. He noted that the United Nations Political Office for Somalia and the United Nations country team were actively developing a peacebuilding plan to be implemented in Somalia once a definitive agreement was reached at the Conference.

At its 4856th meeting, on 11 November 2003, in which the representative of Somalia was invited to participate, the Council included the above-mentioned report of the Secretary-General in its agenda.⁵⁶ The President (Angola) made a statement on behalf of the Council,⁵⁷ by which the Council, inter alia:

Reiterated its firm support for the Somali National Reconciliation Process;

Urged all Somali leaders to participate in the meeting of leaders in Kenya in November 2003;

Called on the international community to continue its efforts to support IGAD;

Called on the donor countries to contribute to the Process, the Trust Fund and the Inter-Agency Appeal for Somalia;

Expressed serious concern regarding the humanitarian situation in Somalia and called on the Somali leaders to facilitate the delivery of humanitarian assistance and to assure the safety of all international and national aid workers;

⁵⁷ S/PRST/2003/19.

Reiterated that the comprehensive peacebuilding programme would be important to post-conflict Somalia.

Decision of 16 December 2003 (4885th meeting): resolution 1519 (2003)

At its 4885th meeting, on 16 December 2003, the Council included in its agenda a letter dated 4 November 2003 from the Chairman of the Committee established pursuant to resolution 751 (1992) to the President of the Council, transmitting the report of the Panel of Experts on Somalia.⁵⁸ The Panel of Experts recommended, inter alia, the continuation of the arms embargo and the establishment of a more systematic monitoring mechanism, which would improve the effectiveness of the embargo. The Panel also advocated an improvement in the cooperation between international, regional and subregional organizations, Member States and non-State actors involved in enforcing the embargo and made recommendations aimed at stemming the flow of arms and addressing the issue of piracy and terrorism against ships.

At the meeting, the President (Bulgaria) drew attention to a draft resolution;⁵⁹ it was adopted unanimously and without debate as resolution 1519 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Stressed the obligation of all States and other actors to comply fully with resolutions 733 (1992) and 1356 (2001);

Requested the Secretary-General to establish a monitoring group composed of four experts for a period of six months commencing as soon as possible from the date of the adoption of the resolution, to be based in Nairobi, with a mandate which should focus on the ongoing arms embargo violations;

Called upon all States in the region and regional organizations to establish focal points to enhance cooperation with the Monitoring Group and to facilitate information exchange;

Called on neighbouring States to report to the Committee quarterly on their efforts to implement the arms embargo.

⁵⁸ S/2003/1035; the report was transmitted pursuant to paragraph 7 of resolution 1474 (2003).

⁵⁹ S/2003/1177.

4. The situation in Angola

Deliberations of 18 January 2000 (4090th meeting)

At the 4090th meeting, on 18 January 2000, the President (United States) drew the attention of the Security Council to the report of the Secretary-General dated 14 January 2000 on the United Nations Office in Angola.¹ In the report, the Secretary-General provided an update on the political, military, humanitarian, human rights and socio-economic developments in Angola. Regarding the political and military aspects, he stated that the situation had seen a major change following the successful military campaign undertaken by the Government, resulting in the re-establishment of State authority in the vast territory previously occupied by the União Nacional para a Independência Total de Angola (UNITA), as well as the improvement of the security conditions in the north-eastern region of the country. He added that the Government did not consider the head of the group, Jonas Savimbi, a credible partner for dialogue due to his record of not implementing previous agreements, although they still considered the Lusaka Protocol² as a valid basis for the peace process. The humanitarian and human rights aspects were some of the major challenges, according to the Secretary-General; adding that there had been reports of abuses but, since the United Nations did not have access to most parts of Angola, little information was available. Regarding the socio-economic aspects of the conflict, he informed Council members about the deterioration of all key economic indicators, which was exacerbated by the fact that different United Nations programmes and agencies had had to scale down its operational activities because of the conflict. Finally, he concluded that the conflict risked spilling over to the neighbouring countries, that UNITA bore the primary responsibility for the state of affairs, and that only a political solution could help to restore durable peace and security in Angola.

At the meeting, the Council heard briefings by the Under-Secretary-General for Political Affairs and the Chairman of the Committee established pursuant to resolution 864 (1993) concerning the situation in Angola, following which statements were made by

most members of the Council and the representative of Angola.³

In his statement, the Under-Secretary-General recalled the origins of the current situation in Angola. He made reference to the withdrawal of the Cuban forces in 1988 which the United Nations had been asked to monitor; the first democratic election in the country in 1992, which had been rejected by UNITA resulting in resumption of the civil war; the comprehensive peace treaty, the Lusaka Protocol, that had been signed in November 1994, again followed by the failure of UNITA to demobilize its forces, the resumption of fighting and the termination of the United Nations Observer Mission in Angola the previous February. He pointed out, *inter alia*, that the Government had considered the Lusaka accord as still valid, while UNITA (after some major military setbacks) had claimed to be ready to resume the peace process. He also made reference to the issues of the humanitarian crisis and the lack of security, as well as the need to improve the human rights situation in the country. He commented that the new United Nations Office in Angola would continue to assist the Government and civic organizations in the areas of capacity-building, humanitarian assistance and the promotion of human rights.⁴

In his briefing, the Chairman of the Committee established pursuant to resolution 864 (1993) (Canada) presented a report on his visit to Angola from 8 to 16 January 2000. He explained that the three objectives of the visit were to consult with the Government of Angola on developments regarding the application worldwide of sanctions against UNITA; to visit the areas and see the military equipment captured from UNITA; and to meet with UNITA people who had defected from UNITA or been captured in recent fighting. He had been able to gather testimonies about

¹ S/2000/23, submitted pursuant to paragraph 7 of resolution 1268 (1999).

² S/1994/1441, annex.

³ The Russian Federation spoke on behalf of the troika of observer States of the Angolan peace process (Portugal, United States, Russian Federation). The representatives of the United States and Canada did not make statements at the meeting, but the representative of the United States submitted a statement for the public record. Angola was represented by its Vice-Minister for External Relations. The representatives of France, the Netherlands, Ukraine and the United Kingdom aligned themselves with the statement of the troika.

⁴ S/PV.4090, pp. 3-4.

the violations and violators of the United Nations sanctions, as well as the conditions in which UNITA was operating, including its financial, military and infrastructure positions. He concluded that the sanctions were having a real impact on the capacity of UNITA to pursue its military objectives, including by impairing UNITA's ability to transport the weapons system and fuel it needed. He then showed a video of his trip, including excerpts from the interviews.⁵

The representative of Angola expressed, *inter alia*, his concern over the fact that, despite the existence of several resolutions that imposed sanctions against UNITA, many countries and organizations were determined to continue to break them, while his Government remained committed to a democratic and reconciled Angola through the Lusaka Protocol.⁶

Most representatives reiterated that UNITA had the primary responsibility for the continuation of the conflict; that a political solution and, particularly, the Lusaka Protocol remained the foundation for achieving peace in Angola. They expressed concern over the humanitarian situation and underlined that the repercussions of the conflict on the security in the region had to be tackled. Finally, they emphasized that the sanctions against UNITA should be supported.

The representative of the United Kingdom added that the Government of Angola itself had some responsibility and some things it needed to do better. He also stated that his government was looking forward to the report of the expert panel, which it hoped would contain firm recommendations on strengthening the sanctions, as he hoped that the international community would be able to name and shame individuals, companies and, if necessary, Governments, involved in sanctions-busting.⁷

The representative of Namibia stated that the actions of UNITA had "threatened the very foundation of the existence of the Republic of Angola, its unity, sovereignty and territorial integrity. The Government of Angola had no other option but to apply the necessary decisive military force against the rebel movement UNITA in order to defend its people and territory."⁸

The representative of the Netherlands noted that what was needed was a recognition that, despite Mr. Savimbi's lamentable role, UNITA as such continued to be a factor in Angolan society, entirely in accordance with the original intention of the Lusaka Protocol. He underlined that all parties now needed to work for an all-inclusive solution through dialogue.⁹

Deliberations of 15 March 2000 (4113th meeting)

At its 4113th meeting, on 15 March 2000, the Council included in its agenda a letter dated 10 March 2000 from the Chairman of the Committee established pursuant to resolution 864 (1993) addressed to the President of the Security Council,¹⁰ transmitting the final report of the Panel of Experts established pursuant to resolution 1237 (1993) to investigate violations of Security Council sanctions against UNITA. The Panel informed Council members about the way UNITA had acquired and maintained its arms and military equipment, including through diamond sales, and the way UNITA handled its relations abroad. It also referred to the people and countries that allegedly supported those activities since 1993, *inter alia*, South African individuals, who had provided military equipment, facilitated transactions, and provided non-military equipment for UNITA; the former Zaire (Democratic Republic of the Congo), whose territory had been used to facilitate the passage of arms and military equipment; Burkina Faso, which had been used as a transit point for arms originating in Eastern Europe and other military equipment for UNITA; Congo-Brazzaville and its Government, where UNITA had moved military equipment following the signature of the Lusaka Protocol; Rwanda, which had been cooperating with UNITA in different military operations and in contacts with arms brokers; Togo, whose territory was being used to facilitate the passage of arms and military equipment; Ukrainian nationals, who supported the flights bringing in arms and other military materiel for UNITA; Bulgaria, which was the source of origin for the majority of the arms purchased by UNITA and where some UNITA personnel had been trained; Zambia, where contacts at the highest level had been made by Savimbi in order to facilitate fuel procurement operations and whose border had been used to smuggle fuel; Namibia, whose territory had

⁵ *Ibid.*, pp. 4-10.

⁶ *Ibid.*, pp. 11-12.

⁷ *Ibid.*, p. 14.

⁸ *Ibid.*, p. 21.

⁹ *Ibid.*, p. 24.

¹⁰ S/2000/203.

been used to smuggle significant quantities of diamonds belonging to UNITA; Uganda, whose territory had been used to refuel aircrafts from Eastern Europe on route to Andulo; Belgium, where illegal diamonds had been sold in its major diamond market (Antwerp); and Côte d'Ivoire, where protected diamond deals had taken place. The Panel made a number of recommendations to control the violations of the sanctions and to improve the control of arms and fuel supply, as well as the diamond trade, the financial activities and the links abroad of UNITA.

At the meeting, the President (Bangladesh) drew the attention of the members of the Council to a letter from Uganda, transmitting the record of a meeting of the Panel of Experts established by resolution 1237 (1999) and representatives of the Government of Uganda concerning alleged violations by Uganda of sanctions imposed against UNITA.¹¹ The Council heard a briefing by the Chairman of the Committee established pursuant to resolution 864 (1993), following which statements were made by most members of the Council,¹² as well as the representatives of Angola, Burkina Faso, Togo, Rwanda, South Africa, Bulgaria, Zambia, Morocco, Belarus, Belgium and Uganda.

In his statement, the Chairman of the Committee referred to the report of the Panel of Experts and stressed that Security Council sanctions against UNITA had not worked well, although they were beginning to be taken more seriously and were starting to become effective. He went over in detail the main recommendations of the report, and he stressed that now that the sanctions were beginning to have real impact that they should not make the mistake of letting up the pressure on UNITA.¹³

During the debate, numerous speakers welcomed the report and its recommendations, and considered that the document had shown that, in spite of the fact that the sanctions regime was already bearing, there were still many flaws and the Council needed to

consider the desirability of strengthening the sanctions, particularly in the areas of diamond sales, arms purchases and foreign travel, as well as establishing more effective monitoring mechanisms for sanctions regimes. A number of representatives noted the links between different crises in Africa, which required the Council to deal with them in a comprehensive. A number also noted the links being the illegal exploitation of resources and the continuation of conflicts.

The representative of the United Kingdom noted that the report highlighted the porous and haphazard nature of the enforcement of sanctions against UNITA, in addition to exposing the hypocrisy of those countries, and sometimes leaders, that condemned UNITA while some of their citizens and companies supplied Jonas Savimbi with the arms, munitions, fuel and assistance without which "25 years of murderous activities would have ended long ago". Regarding the reference made in the report to African government ministers and public officials, arms dealers from Eastern Europe, and air companies and fuel suppliers, he described them as "merchants of death". He called upon all the Governments of the world to act against them, and the Security Council to take decisive action by, *inter alia*, implementing the report's key recommendations in a series of mandatory United Nations resolutions. The private sector had a major role to play too, he acknowledged, as well as the Government of Angola, which needed to ensure full transparency and accountability.¹⁴

The representative of Malaysia regarded the report to be in depth and comprehensive, as well as bold and candid. He stressed that all the people and countries named in the report should have the right to respond to the allegations and to clarify their own roles in the alleged sanctions-busting activities, but if these explanations were not plausible and could not be borne out by facts, the Security Council would have to take appropriate actions.¹⁵

The representative of the Netherlands noted that exchange of information and transparency in relations to arms trafficking was essential, and in this respect the role for regional organizations was particularly important. He concluded that the most important thing was to make sure that the Panel exercise would get the

¹¹ S/2000/200.

¹² The United States spoke on behalf of the troika of observer States of the Angolan peace process. The representatives of Bangladesh, Canada, Portugal, the Russian Federation and the United States did not make statements. The United Kingdom was represented by its Minister of State for Foreign and Commonwealth Affairs.

¹³ S/PV.4113, pp. 2-7.

¹⁴ *Ibid.*, pp. 7-9.

¹⁵ *Ibid.*, pp. 12-14.

best possible follow-up to avoid a return to business as usual and to the culture of impunity.¹⁶

The representative of Jamaica noted that the Panel's existence and presence had already had the important effect of stimulating Governments and others to focus on what each of them could do to improve the implementation and enforcement of sanctions and to curtail existing violations. She commented that the report left no doubt that there had been serious violations of the sanctions regimes by individuals, companies and Government officials, who shared the responsibility for the conflict and, with UNITA, were equally culpable; that the Governments of the countries whose nationals were engaged in the sanctions-busting had an obligation to investigate and take actions against those who were responsible.¹⁷

The representative of Namibia considered it imperative that the Council applied sanctions to those leaders and Governments that had sustained UNITA's political and war machinery, in violation of Council resolutions. She concurred with the evidentiary standard employed by the Panel, but regarded that important links might have been omitted and, thus, ongoing investigations would help during the monitoring process.¹⁸

The representative of China underlined that the sanctions against UNITA were far from being effective; thus, he appealed to all countries to genuinely abide by the relevant resolutions of the Security Council, by putting an end to the supply of arms or any other forms of support to UNITA and by taking other effective measures to prevent violations by their own nationals. The signal sent by the report was that measures had to be taken to strengthen the sanctions regime, even though it was itself just a tool to create the necessary conditions for a final political solution to the conflict.¹⁹

The representative of Angola pointed out that the rearming of the military wing of UNITA had only been possible because of the connivance of some Governments, political individuals and businessmen in violating the sanctions, thus becoming co-perpetrators of crimes against humanity and interfering in the internal affairs of other States. He fully supported the recommendations contained in the report and he trusted

that they would be included in the upcoming resolution on Angola. Additionally, he stressed that in view of the irrefutable evidence contained in the report, the Council had to consider taking measures against those implicated.²⁰

The representative of South Africa stated that they would be studying the report with great care, and looked forward to receiving more evidence on the allegations in the report. However, he acknowledged that some South African citizens had been involved in efforts to undermine sanctions, and they would take firm action against those involved.²¹

The representative of Morocco referred to the mention in the report of money placed by the representative of UNITA in Morocco. He explained that those funds were completely exhausted before the imposition of the sanctions and that the representative of UNITA had left Morocco a long time ago.²²

The representative of France expressed a number of concerns over the report; inter alia, that some dates were imprecise; that there was lack of clarity as to the sources of the information; that it was not clear if some of the people regarded as being linked to UNITA were on the list of the sanctions Committee; and that the report did not provide an estimate of the revenue of UNITA. He stressed that on all of those points it would be necessary to get explanations from the countries mentioned in the report. He suggested that the sanctions Committee could question the Chairman of the Panel in greater detail and also receive communications from States cited in the report, and then transmit its own conclusions to the Council. Finally, he noted some of the recommendations were general in nature, and should be dealt with in the competent forum. Others related to new sanctions on third States, which could result in numerous problems and went beyond the framework of sanctions against UNITA.²³

The representative of Tunisia drew the attention of the Council to the sensitivity of some of the information, conclusions and recommendations of the report. He said that he would have preferred the report to avoid citing certain parties, at least at that stage, so as to first be certain of its absolute veracity. It would

¹⁶ Ibid., pp. 16-17.

¹⁷ Ibid., pp. 17-18.

¹⁸ Ibid., pp. 18-21.

¹⁹ Ibid., pp. 21-22.

²⁰ Ibid., pp. 23-25.

²¹ S/PV.4113 (Resumption 1), pp. 8-10.

²² Ibid., pp. 10-11.

²³ S/PV.4113, pp. 10-12.

have been better to have proceeded by first engaging the attention of the States and parties concerned before making suggestions or deciding on appropriate steps, which would have given the necessary credibility to the investigations of the sanctions Committee.²⁴

The representative of Burkina Faso objected to the conclusions of the report and particularly to those that accused their head of state by name. He complained about a number of aspects of the report and the way it was prepared. First, he stated that his delegation had not received it early enough in order to study it and respond and that there had been broad coverage in the media before its official publication. Commenting on the substance of the report, he maintained that the mission of the Panel of Experts to Burkina Faso was “quite clearly botched” and that it had given a false impression that the authorities of Burkina Faso had not wanted to cooperate. He went on to argue that it was difficult to consider the work done by the Panel as particularly meticulous, as the thrust of the report was based on allegations made by UNITA defectors, “whose judgement, necessarily coloured by rancour and perhaps by the spirit of vengeance, cannot help but be biased and partial”. Noting that the report seemed to be built on allusions rather than on certainties, he added that most facts lacked dates, concordance and consistency and that it did not comply with the rigorous scientific requirements of an investigation based on rigorous, fair and reliable foundation. Finally, he opined that it left a sense of a certain degree of partiality, based on the presumption of the guilt of some countries and leaders and of the innocence of others.²⁵

The representative of Togo also criticized some aspects of the report, particularly the “flimsy and selective” nature of the accusations, based on declarations made by deserters and defectors from UNITA; and the working methods followed, which he considered to be just compiling rumours, hearsay and gossip and the “absolute lack of rigour in the approach”. He strenuously denied that Togo had violated existing sanctions, noting that the lack of dates given for the supposed meetings made it impossible to tell whether they happened before or after sanctions had been imposed. He also commented that while Togo had hosted the family of Mr. Savimbi, including his

children, they were not on the list drawn up by the sanctions Committee, and if they were added they would be immediately expelled. He complained that leaks had been cunningly orchestrated to make the report available to the media and there was an impression of collusion between the interests of a country that had an official mandate and the implementation of sanctions against UNITA.²⁶

The representative of Rwanda stressed that the allegations about the cooperation of Rwanda with UNITA had no foundation and were merely hearsay from quarters that distorted facts for reasons known only to themselves. He complained about the fact that the information and explanations given by Rwanda to the Panel had not been mentioned. He denied that there had been any cooperation or contacts with UNITA, and challenged the Panel to produce concrete evidence of the “unfounded and uncalled-for allegations”.²⁷

The representative of Bulgaria expressed the frustration of his Government with the violation of the established procedure requiring all countries concerned to be acquainted first with the report, before it was given to the mass media. He highlighted that the report did not, and could not, contain concrete evidence linking Bulgaria with any violation of resolution 864 (1993) or of the internationally recognized standards and norms of arms control regimes. He referred to some of the accusations related to arms transactions, explained the facts surrounding them, and rejected the accusations.²⁸

The representative of Belgium regretted the omission of some important information from the report, as well as the inclusion of some unfounded references. He recalled the efforts of its Government to control the diamonds trade which, he said, were not fully reflected in the report, even though that information had been conveyed in due time. He denied the accusation that a large number of diamond dealers in Antwerp operated in a so-called “grey” market, and considered that the complex problem of identifying the origin of diamonds was insufficiently elaborated and clearly underestimated in the report.²⁹

The representative of Uganda welcomed the report but regretted that, in spite of extensive

²⁴ Ibid., pp. 22-23.

²⁵ S/PV.4113 (Resumption 1), pp. 2-4.

²⁶ Ibid., pp. 4-7.

²⁷ Ibid., pp. 7-8.

²⁸ Ibid., pp. 8-10.

²⁹ Ibid., pp. 11-13.

discussions which the Panel of Experts held with Ugandan officials the previous month, all the information that was exchanged and provided was ignored. He stressed that Uganda had never supplied arms to UNITA, either directly or indirectly and that Uganda had neither imported nor re-exported diamonds, and rejected all the other allegations dealing with contacts between UNITA and Uganda. He added that while the Government of Uganda was cooperating with the Mouvement de libération du Congo of Jean-Pierre Bemba, it was not the policy of the Government of Uganda to dictate whom its partners cooperated with. Therefore, the Government of Uganda could not be responsible for the arms which the rebel groups have in their possession.³⁰

Finally, the Chairman of the Committee established pursuant to resolution 864 (1993) rejected any suggestion that Canada was somehow biased in its administration of Security Council sanctions, or that any Canadian participated in the leaking, of any documents to the press relating to the Panel's report. He noted that the Panel had used a higher standard for the rules of evidence than would apply in a court of law in most countries in a bribery case; faced with convincing evidence of high-level complicity; the Panel had no option but to report it. He stressed that the Panel took into consideration the dates when the different sanctions had been in effect and they were reflected in the findings, conclusions and recommendations of the Panel. In addition, he pointed out that countries and Governments more specifically accused of sanctions-busting had been consulted in advance.³¹

**Decision of 13 April 2000 (4126th meeting):
resolution 1294 (2000)**

At its 4126th meeting, on 13 April 2000, the Council included in its agenda the report of the Secretary-General on the United Nations Office in Angola dated 11 April 2000.³² In his report, the Secretary-General stated that, after the issuance of the report of the Panel of Experts regarding the violations of the sanctions, a number of Governments and corporations had announced that they would be taking measures in compliance with the sanctions, while

UNITA had dismissed the allegations contained in the report arguing that they were based on statements by defectors. He also explained the latest developments in the military situation, and the human rights and humanitarian situations. He stressed that, although the Government had continued to be effective in further reducing the conventional war capacity of UNITA, while the humanitarian, the security and the socio-economic situation had deteriorated. The war still risked spilling over into the neighbouring countries, which remained a major cause of concern. The Government had also announced plans to re-establish political and military stability, as well as to step up efforts to institute monetary stability, further economic development and carry out programmes for the provision of humanitarian assistance and social services to the civilian population. He encouraged the international community to support the Government in its efforts to provide basic services to the areas formerly occupied by UNITA.

At the same meeting, to which the representative of Angola was invited, the President (Canada) drew the attention of the Council to a draft resolution;³³ it was put to the vote and adopted unanimously as resolution 1294 (2000), by which the Council, inter alia:

Endorsed the decision contained in paragraph 51 of the report of the Secretary-General of 11 April 2000 (S/2000/304) to extend the mandate of the United Nations Office in Angola for a period of six months until 15 October 2000;

Requested the Secretary-General to continue his efforts to implement the tasks of the office as outlined in resolution 1268 (1999);

Requested the Secretary-General to provide every three months a report on developments in Angola, including his recommendations about additional measures the Council might consider to promote the peace process in Angola.

**Decision of 18 April 2000 (4129th meeting):
resolution 1295 (2000)**

At its 4129th meeting, on 18 April 2000, the Council again included in its agenda the letter dated 10 March 2000 from the Chairman of the Committee established pursuant to resolution 864 (1993).³⁴ Statements were made by the Chairman of the Committee and the members of the Council, including

³⁰ Ibid., pp. 13-15.

³¹ Ibid., pp. 15-17.

³² S/2000/304 and Corr.1, submitted pursuant to para. 7 of resolution 1268 (1999).

³³ S/2000/307.

³⁴ S/2000/203, transmitting the final report of the Panel of Experts.

the representative of Portugal on behalf of the European Union,³⁵ as well as the representatives of Angola, Belgium, Brazil, Bulgaria, Burkina Faso, Gabon, Mozambique, New Zealand, Portugal, Rwanda, Spain, Togo, the United Republic of Tanzania and Zimbabwe.

At the same meeting, the President (Canada) drew the attention of the Council to letters from the representatives of Belgium, Burkina Faso, Gabon, Portugal, Rwanda, Togo and Uganda, as well as a note verbale from Bulgaria.³⁶ By those communications, those countries, *inter alia*, commented on the report of the Panel of Experts established pursuant to resolution 1237 (1999); expressed concerns over some of the information provided; requested detailed verification of some of the facts contained in it; provided clarifications on points that touched on their respective countries; or informed the Council of follow-up activities being taken by their Governments in response to the report.

In his statement, the Chairman explained that the fact that the draft resolution did not name names or take action against alleged sanctions-busters did not exonerate any State but, instead, provided the opportunity to answer the allegations, end sanctions violations, and bring their actions into conformity with the clearly articulated will of the international community. Moreover, he stated, the draft resolution before the Council made clear the Council's willingness to adopt measures if necessary.³⁷

Most of the speakers welcomed the report, underlined the importance of the draft resolution, and reiterated that the responsibility for the continuation of the conflict lied within the leadership of UNITA. They added that the draft resolution would contribute to improving the effectiveness of control over the sanctions against UNITA by establishing machinery for monitoring sanctions, as well as close off the channels used by the leadership of that organization to preserve their ability to continue the war.

The representative of the United Kingdom stressed that the new resolution would require a new level of cooperation among Member States, and between Governments and the private sector; besides technical expertise and political will. In addition, as he remarked, this would place a particular burden on States neighbouring Angola.³⁸

The representative of France welcomed the fact that, barely a month after the report was issued, the Council would adopt a draft resolution taking on board more than three quarters of the recommendations. These were directed first and foremost to Member States, but also to international and regional organizations, enterprises, professional organizations and experts. Highlighting the constructive approach of the resolution, he underlined that it did not appear that the creation of new sanctions against countries that had allegedly violated the old sanctions would provide a real solution, and the exponential growth in the number of existing sanctions regimes would likely create management problems at the very moment when the Council was already having enough trouble enforcing the nine embargoes in place.³⁹

The representative of the Netherlands explained that the draft resolution would put in place a new monitoring mechanism that would be effective as long as it was allowed to collect, analyse and submit information independently.⁴⁰

The representative of Argentina remarked that the submission of the report had already had an impact in mobilizing States mentioned in the report and creating awareness within the international community.⁴¹

The representative of Malaysia considered the draft resolution to be a very important one, particularly with regards to the trade of arms and diamonds. However, he stated that his delegation would have preferred the inclusion in the draft resolution of language regarding exploring the lawful seizure of the rough diamonds in question as well as any collateral assets used in the transport of such goods and would also express support for a call on States to make dealing in illegal rough diamonds a criminal offence. He added that, while he supported the draft resolution, he wanted to reiterate that any further steps or

³⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Turkey aligned themselves with the statement.

³⁶ S/2000/225 (Gabon), S/2000/228 (Belgium), S/2000/230 (Portugal), S/2000/240, 267 and 315 (Bulgaria), S/2000/249 (Burkina Faso), S/2000/252 (Uganda), S/2000/256 and 326 (Togo) and S/2000/283 (Rwanda).

³⁷ S/PV.4129, pp. 2-3.

³⁸ *Ibid.*, p. 3.

³⁹ *Ibid.*, pp. 4-5.

⁴⁰ *Ibid.*, pp. 7-8.

⁴¹ *Ibid.*, pp. 8-9.

measures to be meted out to sanctions-busters should be considered very carefully and should be weighed against the seriousness of an alleged breach and that the Council should act only when it had conclusive evidence of breaches.⁴²

The representative of Jamaica stressed that those who aided and abetted UNITA in violating sanctions were equally culpable for the humanitarian tragedy in Angola.⁴³

The representative of Ukraine stressed that a differentiation could be made between groups of countries bearing special responsibility for specific areas, and that the Council should attempt to make very distinct recommendations to those States.⁴⁴

The representative of Canada observed that, while the Panel's work underscored the complexity of imposing and enforcing targeted sanctions, if successful, the measures could serve as a template for focused actions against belligerents in other conflicts. Additionally, he mentioned how the Panel's efforts had highlighted the reality and the impact of the new war economies, since "in a growing number of conflict situations, economic agendas coexist with political and military goals in the perpetuation of violence and the victimization of people"; the large and growing importance of non-State actors in conflicts; and the reality that, while the Council's decisions reflected the will of the international community, their implementation depended on the action of individual members.⁴⁵

The representative of Angola stated that it found it difficult to understand the reason why, despite the evidence that the sanctions were being violated, the United Nations had only recently decided to investigate the extent of these violations and identify the main perpetrators. Regarding the report, he considered that the overwhelming support it had received from the international community had dispelled any doubt as to its objectivity and transparency. Finally, he stressed that the action of the Council should include prohibition of the use of the territory of any State to carry out political activities or propaganda campaigns and the bringing to justice of all individuals or

companies whose practices were in conflict with Security Council resolutions on Angola.⁴⁶

The representative of Burkina Faso reiterated the repudiation and rejection by his Government to the conclusions of the report that had named Burkina Faso and its President. However, he provided information on the measures taken by his Government in order to follow up on the implementation of the sanctions.⁴⁷

The representative of Belgium recalled the numerous measures taken by his Government in order to ensure the application of the sanctions, particularly in the area of diamonds trade, which, he regretted, had not been mentioned in the report.⁴⁸

The representative of Bulgaria reiterated the serious doubts that his Government and other delegations had raised about the working methods and credibility of sources used by the Panel, as well as its objectivity and ability to substantiate its findings by concrete evidence. In spite of this, he claimed that his Government had given serious consideration to the Panel's report. He also pointed out the lessons learned from the Panel's report, which should be taken into account in the activities of the new monitoring mechanism: its work should combine transparency with confidentiality, using only trustworthy and verified information from reliable sources; it should pursue its mandate in close cooperation and consultation with the Governments concerned; and the established procedure should be strictly observed so as not to allow a "linkage" to the media.⁴⁹

The representative of Gabon regretted some actions from the Panel of Experts who, according to the speaker, had failed to provide evidence on its accusations against the Gabon, had not replied to its communication, and had not even visited the country.⁵⁰

The representative of Togo decried the fact that the report had been released first to the media, "the frivolous and entirely unprofessional method followed by the Experts, as well as the lack of consistency of the allegations raised against Togo". He pointed out that his delegation hoped that the observations and comments made during the examination of the report

⁴² Ibid., pp. 10-11.

⁴³ Ibid., pp. 12-13.

⁴⁴ S/PV.4129 (Resumption 1), pp. 3-4.

⁴⁵ Ibid., pp. 4-6.

⁴⁶ Ibid., p. 6.

⁴⁷ Ibid., p. 7.

⁴⁸ Ibid., pp. 9-11.

⁴⁹ Ibid., pp. 11-12.

⁵⁰ Ibid., p. 16.

would be taken into consideration, particularly those regarding the working methods followed by the Panel of Experts. He also underscored the steps taken by its Government in order to follow up and monitor the implementation of the sanctions against UNITA.⁵¹

The representative of Zimbabwe stressed that the report correctly identified greed, and not grievance, as the rationale for the declared war of UNITA; “furthermore, in the process of establishing the symbiotic nature of the relations of UNITA with Rwanda and Uganda and their surrogates in the Democratic Republic of the Congo, the report also situates the pursuit of economic goals by UNITA, Rwanda, Uganda, the Rassemblement congolais pour la démocratie and the Mouvement de libération du Congo as the motivation for what we all along regarded as being senseless civil war”. He added that, as long as Rwanda continued to occupy Congolese territory, UNITA would have a lifeline, since that territory provided the conduit for its arms and diamonds trade.⁵²

The representative of Rwanda reiterated his comments about the report and claimed that the allegations were false. He pointed out the investigations made by his Government, and expressed that his delegation had no problem with the establishment of a new team of experts, even though he wished to see a team that was more independent, more representative and professionally unquestionable.⁵³

At the same meeting, the President drew the attention of the Council to a draft resolution;⁵⁴ it was put to the vote and adopted unanimously as resolution 1295 (2000), by which the Council, inter alia:

Requested the Secretary-General to establish a monitoring mechanism composed of up to five experts, for a period of six months from its effective entry into operation, to collect additional relevant information and investigate relevant leads relating to any allegations of violations of the measures contained in resolutions 864 (1993), 1127 (1997) and 1173 (1998);

Further undertook to consider, by 18 November 2000, the application of additional measures against UNITA under Article 41 of the Charter of the United Nations;

Encouraged all States to exercise all due diligence, in order to prevent the diversion or trans-shipment of weapons to

unauthorized end-users or unauthorized destinations where such diversion or trans-shipment risked resulting in the violation of the measures contained in resolution 864 (1993);

Encouraged the convening of a conference of experts to devise a regime for curbing the illegal supply of petroleum and petroleum products into UNITA-controlled areas;

Called upon the Government of Angola to implement additional internal controls and inspection procedures with respect to the distribution of petroleum and petroleum products for the purpose of enhancing the effectiveness of the measures contained in resolution 864 (1993);

Called upon States that have issued passports to UNITA officials and adult members of their families designated by the Committee pursuant to resolution 1127 (1997) to cancel those passports in conformity with paragraph 4 (b) of that resolution and to report to the Committee on the status of their efforts in this regard;

Further urged all States, including those geographically close to Angola, to take immediate steps to enforce, strengthen or enact legislation making it a criminal offence under domestic law for their nationals or other individuals operating on their territory to violate the measures imposed by the Council against UNITA.

Deliberations of 27 July 2000 (4178th meeting)

At its 4178th meeting, on 27 July 2000, the Council included in its agenda the report of the Secretary-General on the United Nations Office in Angola dated 12 July 2000.⁵⁵ In his report, the Secretary-General stated that, in relation to the political developments, the absence of dialogue had continued to create an unstable political and military situation, despite the efforts of the Government to consolidate its authority throughout the country. UNITA had continued its guerrilla activities, while there had been an influx of refugees into neighbouring countries. Additionally, the conflict had increased tensions between Angola and Zambia. Efforts to promote a dialogue for peace continued, mainly by the Angolan opposition political parties, the Chairman of the Southern African Development Community (SADC) and the Angolan Church. Regarding the military situation, he said that the Government forces had continued to be effective in further reducing the conventional war capacity of UNITA, and the observance of human rights by the police had improved, even though the hostilities had had a negative impact on law and order throughout the

⁵¹ Ibid., p. 19.

⁵² Ibid., pp. 19-21.

⁵³ Ibid., pp. 21-22.

⁵⁴ S/2000/323.

⁵⁵ S/2000/678, submitted pursuant to para. 3 of resolution 1294 (2000).

country. On the subject of human rights, he highlighted that although the overall situation remained grave, there were indications that the Government was prepared to recognize the existence of abuses and to develop regular procedures to redress them with the support of the international community and Angolan civil society. Likewise, the humanitarian situation remained precarious, particularly in relation to food distribution and the situation of the displaced population, with important initiatives being carried out by the World Food Programme. In the same line, the socio-economic situation had been affected by the conflict, and thus the United Nations Development Programme and the World Bank, inter alia, had carried out work in order to assist the Government in poverty reduction strategies and initiative to tackle the macroeconomic instability.

Statements were made by the members of the Council, including the United States on behalf of the troika of observer States of the Angolan peace process, Portugal, the United States and the Russian Federation;⁵⁶ and France on behalf of the European Union,⁵⁷ as well as the representatives of Angola, Brazil, Japan, Lesotho, Mozambique and Norway.⁵⁸ The Council also heard a briefing by the Under-Secretary-General and Special Adviser on Africa.

In his statement, the Under-Secretary-General and Special Adviser on Africa referred to the main concerns in Angola, mainly the situation of refugees, displaced persons and the problem of landmines. On the economic aspect, he stressed that, even though the Government had made commendable efforts to improve its management and performance, these efforts tended to be offset by the continuation of hostilities. Finally, with respect to democratization, he mentioned the announcement made by the Government regarding its intention to hold national elections. He stated that, in the effort to make Angola a prosperous country again, it was necessary to help bring the war to an end,

for which it had to be acknowledge that military force in itself was not sufficient. Finally, he held that the Secretary-General, the Secretariat, United Nations agencies and the international community should redouble their efforts, first to tighten the sanctions against UNITA; second, to complement those of the Government of Angola to respond more fully to the needs of the large percentage of Angolans; and third, to support civil society, the Government and all those who were promoting a political settlement of the conflict in Angola.⁵⁹

Most representatives agreed that the primary responsibility for the humanitarian situation in Angola lay with UNITA and noted the efforts of the Government to consolidate its authority throughout the territory. They observed that there were signs that the efforts of the international community to put pressure on UNITA were beginning to have the desired effect. However, they expressed concerns over the political, security, economic and humanitarian situation in Angola, which risked spilling over into neighbouring countries. They emphasized that military force was not the way forward, but that only a political solution under the Lusaka Protocol could contribute to the restoration of lasting peace and security in Angola; and that the consistent implementation and enhancement of the effectiveness of the sanctions against UNITA was an important element of international efforts to end the conflict in Angola. A number of representatives stressed that the responsibility for the breakdown in the Lusaka Protocol rested primarily with UNITA leader Jonas Savimbi.

The representative of Angola stated that the measures taken by his Government to create a climate of relative tranquillity in a large proportion of the country. However, a definitive end had not yet been put to the war, as small pockets of UNITA resistance still existed to carry out terrorist activities. He stressed that the lasting solution to Angola's problem still lay in the complete implementation of the Lusaka Protocol. He also recalled the efforts of his Government, together with several United Nations agencies and programmes, to address the issues of poverty, displaced population, access and security, as well as humanitarian assistance and services.⁶⁰

⁵⁶ The representatives of Ukraine and the Russian Federation aligned themselves with the statement of the troika of observer States of the Angolan peace process.

⁵⁷ The representatives of the Netherlands and the United Kingdom aligned themselves with the statement of the European Union, as did Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

⁵⁸ Angola was represented by its Minister for Social Affairs.

⁵⁹ S/PV.4178, pp. 2-5.

⁶⁰ Ibid., pp. 5-7.

The representative of the United States stressed that it was necessary to establish dialogue between all sectors of society in Angola under the principles of the Lusaka Protocol, and Mr. Savimbi's participation could only be considered after he had taken irreversible steps to implement the Protocol.⁶¹

**Decision of 23 January 2001 (4263rd meeting):
resolution 1336 (2001)**

At its 4263rd meeting, on 23 January 2001, the Council included in its agenda a note by the President of the Security Council.⁶² In his note, the President of the Security Council enclosed a letter dated 21 December 2000 from the Chairman of the Committee established pursuant to resolution 864 (1993), transmitting the final report of the Monitoring Mechanism on Sanctions against UNITA established by resolution 1295 (2000).

In its report, the mechanism informed the Council about the issues related to the import and export of military equipment and arms; petroleum and petroleum products; UNITA representation and travel abroad; the role of transportation; and diamond trading and financial assets. It provided updates on what actions had been taken by a number of countries in improving enforcement of the sanctions, as well as what areas had not seen improvement.

At the meeting, the President (Singapore) drew the attention of the Council to a draft resolution;⁶³ it was put to the vote and adopted unanimously as resolution 1336 (2001), by which the Council, *inter alia*:

Decided to extend the mandate of the monitoring mechanism as set out in resolution 1295 (2000) for a period of three months;

Requested the Secretary-General, upon adoption of this resolution and acting in consultation with the Committee, to reappoint up to five of the experts appointed by him pursuant to resolution 1295 (2000) to serve on the monitoring mechanism, and further requested the Secretary-General to make the necessary financial arrangements to support the work of the monitoring mechanism.

⁶¹ *Ibid.*, p. 11.

⁶² S/2000/1225 and Corr.1 and 2.

⁶³ S/2001/69.

**Deliberations of 22 February 2001
(4283rd meeting)**

At its 4283rd meeting, on 22 February 2001, the Council again included in its agenda the note by the President of the Security Council transmitting the report of the Monitoring Mechanism.⁶⁴ Statements were made by most members of the Council, including Portugal on behalf of the troika of observer States and Sweden on behalf of the European Union,⁶⁵ as well as the representatives of Angola, Argentina, Brazil, Bulgaria, Burkina Faso, Canada, Mozambique, Namibia, Portugal, Romania, Rwanda, Swaziland, Sweden, Togo and Zimbabwe. The Council also heard a briefing by the Chairman of the Committee established pursuant to resolution 864 (1993).

In his briefing, the Chairman remarked that the Mechanism had employed only the strictest evidentiary standards in its investigations, besides allowing the right to reply to all those against whom allegations concerning sanctions violations had been made. He explained that the work of the Mechanism had focused on four main areas, mainly arms and military equipment; representation, travel and residence outside Angola; the role of transport in the violation of the sanctions; and diamond trading and financial assets. Based on this, the Mechanism had made a series of recommendations. One important aspect of the work of the Mechanism was that, according to the Chairman, there was clear evidence of the involvement of the same people, as well as the same organizations and corporations, in at least two of the major conflicts in Africa. He also pointed out that the sanctions regime, in spite of its problems, was working, but he expressed concern over the fact that the United Nations lacked, at that moment, the necessary permanent capacity for following up the findings of the reports of the Panel of Experts and the Monitoring Mechanism.⁶⁶

⁶⁴ S/2000/1225 and Corr.1 and 2.

⁶⁵ The representatives of the Russian Federation and the United States aligned themselves with the statement of the troika. The representatives of France, Ireland, Romania and the United Kingdom aligned themselves with the statement of the European Union, as did Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey. The representative of Ireland did not make a statement.

⁶⁶ S/PV.4283, pp. 3-4.

Most representatives welcomed the report, particularly its methodology, its respect to the right of response, and its attempt to describe problems linked to organized crime networks comprehensively and in all their complexity. They stressed the need for continued sanctions and for improved implementation of the sanctions regime. Some of them highlighted the fact that the actors violating the sanctions were, to a large extent, the same as in the conflict of Sierra Leone, which showed that the situations could not be seen in isolation. They also welcomed the recommendations, specifically the establishment of a system for the certification of diamonds from Angola and the concept of a global certification scheme for rough diamonds; the development of a continuous system of sanctions monitoring; the updating of the list of UNITA leaders and their family members to whom States should refuse entry in their territory; the establishment of effective controls by arms-exporting countries on their exports to conflict areas; and that national standards should be developed to impose sanctions on aircraft operators and pilots linked to the illicit transport of arms.

The representative of France, echoed by the representative of Colombia, stressed that imposing secondary sanctions against countries that were believed to have violated sanctions was the wrong response to a genuine problem, stressing that rather than doling out punishment, States, regional organizations and other actors involved should be assisted in order to implement the measures and to ensure compliance. He added that sanctions, in order to remain relevant and credible and retain their political force, should be used in a limited manner, for cases where there was a threat to the peace, a breach of the peace or an act of aggression. Finally, he put forward two proposals: to launch a plan to create a permanent mechanism for monitoring sanctions and illicit traffic in valuable raw materials involved in conflicts: and to ask States to undertake inquiries, as well as administrative and judicial measures, against the activities of “merchants of war”.⁶⁷

The representative of Colombia commented that the suggestion made by the Mechanism regarding the possibility of imposing sanctions on Governments that violated the sanctions would run the risk of proliferating such measures, operating selectively and

politicizing the sanctions regime. On the technical knowledge required to improve the monitoring of sanctions against UNITA and, more specifically, the need to commission an investigation of the financial assets of UNITA, he expressed concern over the fact that such a study would run the risk of leading the Council to gradually depend on outside bodies to monitor the sanctions regime; and that it might reduce State’s responsibility to carry out its own financial investigations and apply penal or administrative sanctions.⁶⁸

The representative of Mali considered that secondary sanctions against States that violated measures adopted against UNITA should be imposed once other recourses and means had been exhausted.⁶⁹ The representative of Norway, on the topic of secondary sanctions, maintained that caution would be exerted since these could only be imposed pursuant to Chapter VII on the grounds that non-compliance with the sanctions regime constituted a threat to international peace and security.⁷⁰

The representative of Mozambique particularly welcomed the Mechanism’s recommendation by which the Security Council should consider applying sanctions against Governments violating the sanctions.⁷¹ The representatives of Mauritius and Argentina commented that the Council should go beyond the “naming and shaming” system to impose appropriate sanctions or other specific measures against those found guilty of complicity in sanctions-busting.⁷²

The representative of Canada highlighted the quality of the work “despite the often frustrating disregard for their work by the apparently paralyzed United Nations bureaucracy”, and stressed that the findings of the Monitoring Mechanism were entirely consistent with of the report of the Panel of Experts on Angola. The purpose of sanctions enforcement monitoring was not to punish, he reminded, but rather to ensure that the sanctions were being applied, that behaviour was being changed and that loopholes were being closed; in that respect it was of particular concern that one Member State was cited by both

⁶⁸ Ibid., pp. 10-12.

⁶⁹ Ibid., p. 14.

⁷⁰ Ibid., pp. 14-15.

⁷¹ Ibid., pp. 38 and 39.

⁷² Ibid., pp. 19-20 (Mauritius); and p. 31 (Argentina).

⁶⁷ Ibid., p. 6.

monitoring bodies, as well as by the Panel of Experts on Sierra Leone. He mention that, in this context, the imposition of secondary sanctions was an entirely appropriate option to consider, even though there were also other options, like requiring States deemed to be in violations of the sanctions to report regularly to the Council on steps taken to comply with them.⁷³

The representative of Burkina Faso emphasized the close cooperation his country had provided to the Panel of Experts and the concrete measures taken by his Government. However, he stressed that the suggestion that certain UNITA officials were still in Burkina Faso, remained “in the realm of hypothesis”. He then recalled other measures by his Government to comply with the sanctions against UNITA, and stated that instead of continuing to accuse certain Member States, the Security Council should organize better monitoring of the traffic of diamonds, arms and related materials. Thus, he argued that even though he was not against extending the mandate of the Monitoring Mechanism, other investigations were pointless as long as a permanent international mechanism that could guarantee continuous monitoring for follow-up of sanctions was not set up.⁷⁴

The representative of Togo underlined the actions taken by his Government and questioned some aspects of the report related to Togo, mainly in the points of the representation abroad of UNITA and diamond trade. He emphasized that it was through substantive dialogue and seeking ongoing cooperation with all States that the United Nations would be able to achieve effective implementation of the sanctions imposed by the Council.⁷⁵

The representative of Rwanda commented on the references to Rwanda in the report, asserting that there was only one tangible and verifiable fact, and the rest were partially or fully speculative. He added some specific critiques, such as the reference to the use of the territory of Angola to withdraw troops which, he explained, had been done with the permission of the authorities of Angola. In spite of this, he accepted, supported and endorsed the conclusions and recommendations of the report, and reaffirmed the commitment of Rwanda vis-à-vis the implementation of the sanctions. In particular, he stated that his

Government had taken the decision not to cooperate with anyone believed or found to be a friend of UNITA.⁷⁶

The representative of Angola remarked that sanctions against UNITA had proved to be a fundamental tool to persuade the members of that organization to abandon war, while his Government continued on the path of political and economic reform. He also expressed concern over the involvement of the networks of organized crime operating in direct support of rebels in Angola, stressing that the sanctions should be strengthened and measures against countries that facilitated propaganda in favour of UNITA should be considered. Specifically, he asserted that the Council should contemplate secondary measures against countries or entities that continued to violate the sanctions. He referred to the statement given by the representative of Rwanda, and denied that it was true that there had been any consultation between their two Governments at the time of the transit of the troops of Rwanda through the territory of Angola.⁷⁷

**Decision of 19 April 2001 (4311th meeting):
resolution 1348 (2001)**

At its 4311th meeting, on 19 April 2001, the Council included in its agenda a note by the President of the Security Council, transmitting an addendum to the final report of the Monitoring Mechanism on Sanctions against UNITA.⁷⁸

In the addendum to the final report, the Mechanism informed Council members that the situation along the border of Angola with Namibia and Zambia remained militarized and unstable; thus, those countries had reached a tripartite agreement aimed at preventing the illegal circulation of people and goods, as well as illegal diamonds, ivory and arms. The Government of Angola had reported that there had been a positive response to the amnesty law of 2000, with many UNITA combatants reportedly taking advantage of the offer. However, the Mechanism noted that UNITA very probably still had vast quantities of arms hidden in the ground all over Angola, enough for it to pursue guerrilla warfare for a long time, a

⁷³ Ibid., pp. 23-26.

⁷⁴ Ibid., pp. 22-23.

⁷⁵ Ibid., pp. 32-34.

⁷⁶ Ibid., pp. 42-43.

⁷⁷ Ibid., pp. 21, 22 and 43.

⁷⁸ S/2001/363; the addendum was submitted in accordance with resolution 1336 (2001).

situation that indicated the need to strengthen the implementation of the sanctions. The report then provided updates on the main issues of arms brokering companies, UNITA representation and travel abroad, the diamond trade and other issues related to sanctions. Regarding the issue of arms brokering companies, the mechanism concluded that the *modus operandi* used by those companies had introduced an element of diversion in order to make it difficult to establish a direct link between suppliers and UNITA. Therefore, it considered that there was an urgent need to tighten the regulations governing the activities and operations of arms-brokering companies, as well as to establish an international register of the dubious companies involved in sanctions-busting. On the subject of diamond trading, the mechanism pointed out that illicit diamonds from Angola were reaching diamond markets regardless of the certificate of origin system, making the tracing of UNITA smuggling more problematic, although some measures had been taken. Many countries had not passed national laws enacting the implementation of resolution 1173 (1998), while others claimed that existing national laws were sufficient for this purpose. Nevertheless, the Mechanism considered that this was patently not the case, although the problem might be more related to local controls than to the laws themselves. Furthermore, for those countries which both enacted laws and strengthened diamond-trading controls, illicit diamonds were still reaching the market due to the clear and major weaknesses in systems for controlling diamond trading. In spite of these difficulties, the Mechanism maintained that the sanctions had driven UNITA diamond trading deeper underground, had made UNITA seek new routes for diamond trading, and had brought about reform of official Angolan diamond trading structures, producing a novel approach to resolving problems on the ground, which should be considered as an option for application in other African diamond mining countries. Finally, the mechanism stated that the United Nations sanctions had provided the impetus for worldwide controls on diamonds — the certificate of origin scheme.

At the same meeting, the representative of Ireland made a statement, during which he read out revisions to the text of the draft resolution before the Council.⁷⁹

⁷⁹ S/PV.4311, p. 2.

The President (United Kingdom) drew the attention of the Council to the draft resolution;⁸⁰ it was put to the vote and adopted unanimously as resolution 1348 (2001), by which the Council, *inter alia*:

Decided to extend the mandate of the monitoring mechanism for a further period of six months, ending on 19 October 2001;

Requested the monitoring mechanism to report periodically to the Committee established pursuant to resolution 864 (1993), and to provide a supplementary report by 19 October 2001;

Requested the Secretary-General, upon adoption of the resolution and acting in consultation with the Committee, to appoint up to five experts to serve on the monitoring mechanism, and to make the necessary financial arrangements to support the work of the monitoring mechanism;

Requested the Chairman of the Committee established pursuant to resolution 864 (1993) to submit the supplementary report to the Council by 19 October 2001.

Decision of 20 September 2001 (4377th meeting): statement by the President

At the 4377th meeting,⁸¹ on 20 September 2001, the President (France) made a statement on behalf of the Council,⁸² by which the Council, *inter alia*:

Stated that it remained concerned at the continuing conflict in Angola;

Condemned in the strongest terms the terrorist attacks by UNITA forces on the civilian population of Angola;

Stated that it was determined to keep sanctions in place until it was convinced that the conditions set out in its relevant resolutions were met;

Reiterated its call upon all States to implement strictly the sanctions regime against UNITA and urged them to strengthen, where appropriate, their internal legislation related to application of sanctions measures imposed by the Council;

Supported the intention of the Government of Angola to hold elections as a part of the ongoing democratization process in Angola in conformity with the universally accepted democratic principles and standards;

Stressed the need to create the necessary conditions for elections to be free and fair;

⁸⁰ S/2001/379; presidential text proposed by Ireland.

⁸¹ At its 4376th meeting, held in private on 20 September 2001, the Council held a constructive discussion on the item entitled “The situation in Angola”, with the participation of the Minister of the Interior of Angola.

⁸² S/PRST/2001/24.

Expressed its serious concern about the plight of the Angolan population, particularly the internally displaced persons and, in order to alleviate its suffering, called again upon all parties concerned to facilitate the delivery of emergency relief assistance.

**Decision of 19 October 2001 (4393rd meeting):
resolution 1374 (2001)**

At its 4393rd meeting, on 19 October 2001, the Council included in its agenda a letter dated 12 October 2001 from the Chairman of the Committee established pursuant to resolution 864 (1993) addressed to the President of the Security Council,⁸³ transmitting the supplementary report of the Monitoring Mechanism on Sanctions against UNITA, in which the Mechanism, *inter alia*, referred to the military actions undertaken by UNITA, stating that the organization had increased its terrorist attacks on innocent civilians, even though deliveries of arms and ammunition had drastically decreased. Notwithstanding this achievement, cross-border supplies still reached UNITA from the Democratic Republic of the Congo, and there were repeated allegations that that country remained a major transit country for UNITA diamonds. Regarding the issue of UNITA diamonds, the Mechanism established that resolution 1173 (1998) continued to be violated. It expressed concern over the fact that, to that date, not a single parcel of illicit gems from Angola had been intercepted anywhere, even though the primary responsibility for intercepting diamonds mined in defiance of the embargo lied with States. The Mechanism suggested general measures to improve the effectiveness of the sanctions, like the establishment of a permanent capability of the Security Council to ensure ongoing monitoring of targeted sanctions and illicit trafficking in high-value commodities in armed conflicts.

At the meeting, the President (Ireland) drew the attention of the Council to a draft resolution;⁸⁴ it was put to the vote and adopted unanimously as resolution 1374 (2001), by which the Council, *inter alia*:

Decided to extend the mandate of the monitoring mechanism for a further period of six months, ending on 19 April 2002;

Requested the monitoring mechanism to report periodically to the Committee established pursuant to resolution

⁸³ S/2001/966; the report was submitted in accordance with para. 6 of resolution 1348 (2001).

⁸⁴ S/2001/985.

864 (1993), and to provide an additional report by 19 April 2002;

Requested the Secretary-General to appoint four experts to serve on the monitoring mechanism and to make the necessary financial arrangements to support the work of the monitoring mechanism;

Requested the Chairman of the Committee established pursuant to resolution 864 (1993) to submit the additional report to the Council by 19 April 2002.

**Deliberations of 15 November 2001
(4418th meeting)**

At the 4418th meeting, on 15 November 2001, statements were made by most members of the Council, including the Russian Federation on behalf of the troika of observer States and Belgium on behalf of the European Union,⁸⁵ as well as the representatives of Angola, Belgium, Brazil, Canada, Cape Verde, Malawi, Namibia and Zimbabwe. The Council also heard a briefing by the Under-Secretary-General and Special Adviser of the Secretary-General on Africa.

In his briefing, the Under-Secretary-General and Special Adviser on Africa updated the Council on the situation, noting that continued guerrilla attacks by UNITA and counteroffensives by Government troops continued to aggravate the already dire humanitarian situation in Angola. On the status of the peace process, he stated that the Government of Angola had recently reaffirmed its commitment to the Lusaka Protocol, while UNITA requested the Church to continue its search for peace and national reconciliation, and reiterated its interpretation of the Lusaka Protocol, even though he underlined that many of the specific proposals emanating from the communications of UNITA appeared to lie outside the framework of that Protocol. He also called attention to the situation along the Angola-Zambia border area, which remained unstable.⁸⁶

Most representatives held UNITA and Jonas Savimbi primarily responsible for the failure to implement the Lusaka Protocol and the continued fighting in Angola; reaffirmed that the Lusaka Protocol

⁸⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement. The representative of the United States did not make a statement. Angola was represented by its Minister for Foreign Affairs.

⁸⁶ S/PV.4418, pp. 2-3.

remained the only viable basis for a lasting peaceful political settlement of the conflict; and considered that there was no military solution to the conflict. Likewise, most representatives supported the measures taken by the Government of Angola regarding elections, an amnesty law, the creation of a peace fund, and the efforts of the civil society and the churches to alleviate humanitarian situation and facilitate national reconciliation. They also stated that the sanctions regime should be maintained, that efforts should be made to improve its effectiveness, and the recommendations made in the Monitoring Mechanism report should be urgently considered by the Council.

The representative of Angola informed Council members of the recent efforts made by his Government to restore peace and stability to Angola through, inter alia, engaging in dialogue with civil society and churches, as well as forceful measures to disarm UNITA and extend Government authority throughout Angola. He also noted the effectiveness of sanctions, but regretted that some Member States were not fully complying with the sanctions resolutions, highlighting that the obligations resulting from the Security Council resolutions prevailed over any other obligation to which the Member States might be subject by virtue of any treaty or international agreement.⁸⁷

The representative of Ireland suggested that the Government of Angola should remain open to the possibility that UNITA could change course, in spite of which he maintained that the obligation and responsibility to take a new course lay entirely in the hands of UNITA.⁸⁸ However, the representative of Ukraine underlined that the resumption of dialogue with UNITA should not mean a renegotiation of the Lusaka Protocol.⁸⁹

The representative of Singapore stressed that it was necessary to look at how they could combine the pressure of sanctions with other approaches to bring about national reconciliation and peace in Angola. He considered that the most important reconciliation that had to take place was that between the two major antagonists, who had not engaged in direct dialogue.⁹⁰

The representative of Malawi said that he shared the growing disillusionment with the apparent

inadequacy so far of any measures by the Security Council to rein in UNITA. He stated that UNITA's attacks against unarmed civilian population were also proof that the sanctions regime against UNITA at that time was seriously ineffectual. There was still a need, he added, for an urgent shift towards criminalization of the atrocities of UNITA, within the context of the existing international legal regime for crimes against humanity.⁹¹ Similarly, the representative of Mauritius deemed that it was time for the Council to declare the head of UNITA, Mr. Savimbi, a war criminal. He also stated that he did not share the view that resolution 1127 (1997) was incompatible with some regional treaties and called on the concerned countries to take the necessary steps to ensure its effective implementation.⁹²

The representatives of Namibia and Zimbabwe expressed support for a further strengthening of sanctions, particularly through measures in the telecommunications area, since UNITA conducted its propaganda using electronic technology.⁹³ The representative of Canada stated that his country was encouraged by the fact that more Member States were providing assistance to the Mechanism. In particular, he encouraged the States that hosted bank accounts, residential property and business of the high authorities of UNITA to cooperate with the Mechanism and freeze their assets.⁹⁴

Decision of 15 November 2001 (4419th meeting): statement by the President

At the 4419th meeting, on 15 November 2001, the President (Jamaica) made a statement on behalf of the Council,⁹⁵ by which the Council, inter alia:

Remained deeply concerned about the ongoing conflict in Angola;

Held Mr. Jonas Savimbi and the armed faction of UNITA primarily responsible for the failure to implement the Lusaka Protocol;

Reaffirmed that the Lusaka Protocol remained the only viable basis for a political settlement of the conflict in Angola; reiterated its call on Member States to comply fully with the implementation of the sanctions regime against UNITA;

⁸⁷ Ibid., pp. 4-5.

⁸⁸ Ibid., p. 6.

⁸⁹ Ibid., p. 9.

⁹⁰ Ibid., p. 19.

⁹¹ Ibid., p. 21.

⁹² Ibid., p. 12.

⁹³ Ibid., pp. 22-24 (Namibia); and pp. 28-30 (Zimbabwe).

⁹⁴ Ibid., pp. 27-28.

⁹⁵ S/PRST/2001/36.

Supported the Government of Angola in its efforts to implement the Lusaka Protocol including through the Fund for Peace and National Reconciliation;

Supported the intention of the Government to hold free and fair elections when appropriate conditions were in place.

**Deliberations of 21 December 2001
(4444th meeting)**

At its 4444th meeting, on 21 December 2001, the Council heard a briefing by the Under-Secretary-General and Special Adviser on Africa, following which statements were made by all members of the Council.

In his briefing, the Under-Secretary-General and Special Adviser on Africa informed the Council on his visit to Angola where he met with, *inter alia*, the Government, political parties, and national and international non-governmental organizations, on ways to accelerate the peace process in Angola within the framework of the Lusaka Protocol, as well as to improve the humanitarian situation. He asserted that progress was being made on all fronts, and reiterated that following the fundamentals of United Nations policy in Angola, there could be no military solution to the conflict. He underlined that sanctions against UNITA were an important instrument for bringing pressure on them to embrace the political process. He also reiterated that support for the participation of the civil society in the peace process was essential and that the Government should be encouraged to implement programmes of political and economic reforms. He commented, in particular, on the progress towards the national elections and the humanitarian situation. Regarding the peace process, he informed the Council that there was a convergence of opinion among the people consulted that the United Nations should play a more proactive role in the peace process. He also noted the belief of the Government that the military capacity of UNITA had been almost totally destroyed, even though it was still capable of conducting attacks of terror. In the meantime, UNITA parliamentarians reiterated the organization's commitment to peace within the Lusaka Protocol, which, they believed, should be implemented with the necessary adjustments in accordance with the 12-point peace plan that UNITA had communicated to the United Nations. They had also emphasized that the final decision in this matter still lay with UNITA leadership headed by Mr. Savimbi. Finally, on the topic of the collection and destruction of weapons, he reported to the Council that

the Government had indicated that the United Nations should assume responsibility for this task, but he noted that this would require an adjustment to the mandate and capacity of the United Nations Office in Angola.⁹⁶

Most representatives expressed satisfaction over the strengthening of relations between the United Nations and the Government of Angola, and the invitation to the United Nations to become more involved in the peace process, as well as the growing participation of the civil society in the peace process and the efforts of the Government in relation to the humanitarian assistance of the population. However, on the last issue, most of the representatives expressed that the overall humanitarian situation was still a concern. Speakers also commented that the peace process could not progress unless there was real dialogue between the parties, under the Lusaka Protocol and United Nations resolutions.

The representative of the United States maintained that UNITA lacked the political will to begin a serious political dialogue. Until that will was shown, the Council should focus on the steps that the United Nations could take to improve the lives of the people in Angola.⁹⁷

**Deliberations of 13 February 2002
(4472nd meeting)**

At the 4472nd meeting, on 13 February 2002, most members of the Council made statements, as did the representative of Angola and the representative of Portugal on behalf of the troika of observer States of the Angolan peace process. The Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and the Humanitarian Coordinator for Angola.⁹⁸

In his briefing, the Under-Secretary-General gave the Council an account of the humanitarian situation in Angola which, he said, had its roots in the war and remained among the worst in the world in relation, *inter alia*, to the situation of children and displaced population. Moreover, UNITA had continued activities that destabilized large parts of the countryside and

⁹⁶ S/PV.4444, pp. 2-5.

⁹⁷ *Ibid.*, p. 15.

⁹⁸ The representatives of China, the Russian Federation and the United States did not make statements. Angola was represented by its Vice-Minister for External Relations.

disrupted normal economic and social activities. He explained that humanitarian coverage was limited by a number of factors, including insecurity, mine infestation, poor infrastructure, lack of capacity, and lack of funding. However, he noted, the Government of Angola had taken several steps to increase its involvement in the provision of humanitarian assistance; was the leading country in incorporating the Guiding Principles on Internal Displacement; and had increased its cooperation with the humanitarian community. Finally, he remarked that the real solution to the humanitarian crisis in Angola was the end of the war.⁹⁹

Most representatives expressed concern over the humanitarian situation in Angola, particularly since the situation had deteriorated during 2001. They emphasized that the responsibility for this rested with UNITA, and that the situation required the concentrated attention of both the international community and the Government of Angola. However, they acknowledged the important efforts carried out by the Government.

The representative of Angola recognized the seriousness of the humanitarian situation in the country, and outlined the points the Government believed were essential for the achievement of peace, namely the unilateral and unconditional cessation of hostilities by UNITA and its complete disarmament; the resolution of the internal problems of UNITA by the group itself; the complete implementation of the Lusaka Protocol and the holding of general elections. Noting that UNITA had failed to respond to the calls of the Government for a resolution to the conflict by means of dialogue, he stressed that the Government had been forced to implement its peace agenda, which provided for political, economic, social and military actions. Turning to the humanitarian situation in the country, he focused the attention of the Council on the major constraints facing the Government and its partners, while also outlining the measures taken by the Government to improve the quality and quantity of humanitarian assistance throughout the country.¹⁰⁰

The representative of Norway stressed that it was necessary that the Government elaborated an agreed

monitoring mechanism for the implementation of priority actions set out by the Government.¹⁰¹

The representative of Colombia pointed out that the tools available to the Security Council to respond to the humanitarian situation in Angola (in the medium and long term) were to focus attention on the situation with urgency; to continue supporting the initiatives of the Secretary-General and the Under-Secretary-General and Special Adviser on Africa aimed at facilitating a solution to the armed conflict; and to continue supporting the international sanctions regime against UNITA until its fighting capability had been curbed and eliminated.¹⁰²

The representative of Portugal stated that the Government of Angola could do more to help its own citizens who were displaced, and encouraged it to take a more active stance in the provision of direct assistance and to fully cooperate in the efforts of the international community to alleviate the suffering of those who were not receiving the necessary assistance.¹⁰³

**Decision of 28 March 2002 (4499th meeting):
statement by the President**

At the 4499th meeting, on 28 March 2002, the President (Norway) made a statement on behalf of the Council,¹⁰⁴ by which the Council, *inter alia*:

Urged UNITA to recognize the historic nature of this opportunity to end the conflict with dignity, to give a clear, positive response to the Government's offer of peace, to implement fully the Lusaka Protocol, including by disavowing the use of arms and demilitarizing completely, and to re-enter political life to pursue its ideals as an important contributor to the process of national reconciliation towards a fully democratic Angola;

Recognized the positive initiatives of the Government of Angola in this process;

Also recognized the vital role to be played by a peaceful UNITA and stressed the importance of the role of other political parties and civil society;

Called on the Government of Angola to ensure further the transparency and credibility of the peace process;

Stressed the active role that the United Nations was expected to play in the implementation of the Lusaka Protocol;

⁹⁹ S/PV.4472, pp. 2-4.

¹⁰⁰ *Ibid.*, pp. 5-7.

¹⁰¹ *Ibid.*, p. 11.

¹⁰² *Ibid.*, p. 12.

¹⁰³ *Ibid.*, p. 19.

¹⁰⁴ S/PRST/2002/7.

Declared its support for the full implementation of the Lusaka Protocol, and its willingness to work with all parties in this endeavour, and stressed the importance of the re-commencement of the Joint Commission as soon as UNITA was ready to name its members;

Underlined that the legitimacy of the peace process depended upon a genuine role for, and full participation of, political parties and civil society without interference.

**Decision of 18 April 2002 (4514th meeting):
resolution 1404 (2002)**

At the 4514th meeting, on 18 April 2002, the President (Russian Federation) drew the attention of the Council to a draft resolution;¹⁰⁵ it was put to the vote and adopted unanimously as resolution 1404 (2002), by which the Council, *inter alia*:

Decided to extend the mandate of the monitoring mechanism for a further period of six months, ending on 19 October 2002;

Requested the monitoring mechanism to provide the Committee established pursuant to resolution 864 (1993) within 30 days of the adoption of the resolution with a detailed action plan for its future work, in particular, but not exclusively, on the financial measures and on the measures concerning the trade in diamonds and the trade in arms against UNITA;

Requested the monitoring mechanism to report periodically to the Committee and to provide a further additional report to the Committee by 15 October 2002;

Requested the Secretary-General, upon adoption of the resolution and acting in consultation with the Committee, to appoint four experts to serve on the monitoring mechanism, and further requested the Secretary-General to make the necessary financial arrangements to support the work of the monitoring mechanism;

Requested the Chairman of the Committee to submit the additional report to the Council by 19 October 2002;

Decided to remain actively seized of the matter.

Deliberations of 23 April 2002 (4517th meeting)

At its 4517th meeting, on 23 April 2002, the Council heard a briefing by the Under-Secretary-General and Special Adviser for Special Assignments in Africa and a statement made by the representative of Angola.

In his briefing, the Under-Secretary-General referred to meetings he had in Luanda with, *inter alia*, members of the Government of Angola, including the

President, as well as political parties and civil society. He informed the members of the Council about the signing of the Memorandum of Understanding in Luanda, which formally brought a halt to the hostilities in Angola: it detailed the responsibilities of the armed forces of Angola and those of UNITA for the observation of a ceasefire, for quartering UNITA soldiers and their families, and for the collection and destruction of weapons. In addition, it granted a blanket amnesty for all crimes committed during the conflict. He had pledged the support of the United Nations in the entire peace process, according to his statement, even though in signing the Memorandum of Understanding on behalf of the United Nations as witness, he had expressed a reservation concerning the non-recognition by the United Nations of any general amnesty that included genocide, crimes against humanity and war crimes. That had created some apprehension in UNITA, some people in the armed forces of Angola, and some segments of civil society who felt that the position might undermine the peace process by negating the provision of the amnesty law. Concerning the stability of the peace agreement, he asserted that the people with whom he had had consultations believed that the chances of returning to war in Angola were very negligible, given the military debility of UNITA; the effectiveness of United Nations sanctions, which had been recognized by the Secretary-General of UNITA; the war fatigue on both sides of the conflict and in the general population; the adherence of all UNITA regional military commanders to the Memorandum of Understanding; and the physical presence in Luanda of UNITA senior military officers. However, the irreversibility of the peace process, would depend on a number of elements, such as the adequate quartering of UNITA soldiers; the attention to the humanitarian needs of their families; the promotion of national reconciliation and national reconstruction; the emergence of UNITA as a united political party and as a credible interlocutor in the peace process and democratization in Angola. Regarding the role of the United Nations within the peace process, which was organized in two phases (the implementation of the Memorandum of Understanding, and the Lusaka Protocol), the organization was expected to participate in the first one as observer, to provide technical assistance in the quartering areas, to assist the armed forces of Angola in managing these areas, and to provide humanitarian assistance to the families of UNITA military forces and to the internally displaced persons. The Government had agreed in principle that the mandate of the United Nations Office in Angola

¹⁰⁵ S/2002/437.

needed adjustment in order to allow it to support the peace plan. On the issue of sanctions, he declared that there was an apparent consensus within the country that, while the suspension of the travel ban on UNITA officials would be in order, it was premature at that point to talk about the lifting of other sanctions. The Government of Angola accepted in principle the lifting of the travel ban against UNITA officials, but had expressed the view that great caution was needed in implementing it and that, in this regard, a case-by-case approach was to be preferred.¹⁰⁶

The representative of Angola informed Council members that, at that moment, there had been no violations of the ceasefire. He elaborated on the different phases of the implementation of the Memorandum of Understanding, the first of which comprised the quartering, disarmament, integration and demobilizations of UNITA combatants and their families. In phase two, the joint commissions to oversee the implementation of the Lusaka Protocol would be reinstated, enabling the process of national reconciliation and leading to national elections.¹⁰⁷

**Decision of 17 May 2002 (4536th meeting):
resolution 1412 (2002)**

At the 4536th meeting, on 17 May 2002, the President (Singapore) drew the attention of the Council to a letter dated 26 April 2002 from the representatives of Portugal, the Russian Federation and the United States transmitting a joint statement of the observer countries of the Angolan peace process.¹⁰⁸ By the statement, the troika praised the courage of all parties for reaching the ceasefire agreement, and welcomed the intention of the Government to provide conditions which would permit UNITA to resolve its problems, internally and freely.

At the same meeting the President drew the attention of the Council to a draft resolution;¹⁰⁹ it was put to the vote and adopted unanimously as resolution 1412 (2002), by which the Council, inter alia:

Decided that the measures imposed by paragraphs 4 (a) and 6 (b) of Council resolution 1127 (1997) were suspended for 90 days;

¹⁰⁶ S/PV.4517, pp. 2-5.

¹⁰⁷ *Ibid.*, pp. 5-7.

¹⁰⁸ S/2002/535.

¹⁰⁹ S/2002/546, submitted by Portugal, the Russian Federation and the United States.

Decided that prior to the end of that period the Council would decide whether to extend the suspension of those measures, taking into account all available information on the continuing progress of national reconciliation in Angola.

Deliberations of 17 July 2002 (4575th meeting)

At its 4575th meeting, on 17 July 2002, the Council heard a briefing by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the humanitarian situation in Angola. Most members of the Council, as well as the representative of Angola, made statements.¹¹⁰

In his briefing, the Under-Secretary-General stated that the Government of Angola, as well as the United Nations and its partners, had a unique opportunity to create a new partnership to address humanitarian needs, reconstruction and development issues. He also commented that the Government was working hard to make the agreement set out in the Memorandum of Understanding hold. He made a call to the humanitarian community which, would have to continue with massive lifesaving interventions for the short term because, even though there had been improvements in humanitarian access to many locations in the interior, the humanitarian situation in many parts of the country continued to be dire. In this respect, he also mentioned that there were a number of steps the Government could take on its own to facilitate the ongoing humanitarian activities, adding that improving coordination with the Government was a problem that needed to be addressed.¹¹¹

Most representatives commended the Government of Angola for having taken positive steps to meet the humanitarian needs of the country; however, they underlined that more had to be done, particularly in the issues of mine clearance and attention to the displaced population. The speakers emphasized that special support was needed from the international community.

The representative of Angola referred to the issue of burden sharing, which had been raised by Council members who had noted the large oil revenues that Angola had. He recalled that that the Government of Angola had increased the share of the budget allocated for spending on social programmes during the past two

¹¹⁰ The representatives of Guinea, the Russian Federation and Singapore did not make statements.

¹¹¹ S/PV.4575, pp. 2-5.

years, even though he acknowledged that that trend should be reinforced.¹¹²

**Decision of 15 August 2002 (4603rd meeting):
resolution 1432 (2002)**

At the 4603rd meeting,¹¹³ on 15 August 2002, the President (United States) drew the attention of the Council to a draft resolution;¹¹⁴ it was then to the vote and adopted unanimously as resolution 1432 (2002), by which the Council, *inter alia*:

Decided to suspend the measures imposed by paragraphs 4 (a) and (b) of resolution 1127 (1997) for an additional period of 90 days from the date of adoption of the resolution, with a view to encouraging further the peace process and national reconciliation in Angola;

Decided that, prior to the end of the period, the Security Council might consider reviewing the measures referred to in paragraph 1, taking into account all available information, including from the Government of Angola, on the implementation of the peace accords;

Decided to remain actively seized of the matter.

**Decision of 15 August 2002 (4604th meeting):
resolution 1433 (2002)**

At its 4604th meeting, on 15 August 2002, the Council included in its agenda the report of the Secretary-General on Angola dated 26 July 2002.¹¹⁵ In his report, the Secretary-General provided an overview of the developments leading to the signing of the Memorandum of Understanding. He recalled that in December 2002 the Government of Angola had asked the United Nations to resume its role as mediator and to re-establish contact with UNITA in support of efforts to find a political settlement to the conflict. Contacts with UNITA leaders outside the country had resulted in expressions of commitment to the Lusaka Protocol. Then, on 22 February, Jonas Savimbi was killed in combat, and the Angolan armed forces quickly established contacts with their counterparts in UNITA with a view to achieving a cessation of hostilities. The

first official contact between commanders of UNITA and the Angolan armed forces had taken place on 15 March 2002 and on 4 April they had signed a Memorandum of Understanding on the cessation of hostilities. He explained that the Memorandum of Understanding was intended to replace the Lusaka Protocol with regard to its military aspects, while the Joint Military Commission was reinstated as the main body supervising the implementation of the Memorandum of Understanding, supported by a Technical Group composed of members of the Angolan armed forces and UNITA forces, as well as observers from the United Nations and the troika. The second phase of the peace process would include the re-establishment of the Joint Commission, to be chaired by the United Nations, in order to implement the outstanding political issues in the Lusaka Protocol. He also informed the Council that, since the signing of the Memorandum of Understanding, fighting had stopped in the entire country and no violations of the ceasefire had been reported, and numerous members of UNITA military personnel and their families had arrived in quartering areas. The Secretary-General underlined the challenges for the consolidation of peace in Angola, in its political-security aspects and with regard to human rights, protection and rehabilitation of children, and humanitarian affairs. As for the role of the United Nations in supporting the consolidation of peace, the promotion of national reconciliation and a transition to normalcy in Angola, he said that the Organization would enhance its presence and step up its operations throughout the country in a comprehensive manner by phases: the initial focus would be on the continuing delivery of urgently needed humanitarian assistance throughout the country, and the long-term aim would be to assist the process of reconciliation and economic recovery through peacebuilding. To implement this plan, a new mission would need to be established to succeed the United Nations Office in Angola with an expanded mandate that would include liaising with the parties through the Joint Military Commission and the Technical Group, providing advice on the quartering, demobilization and reintegration process, if requested by the Government, chairing the Joint Commission, assisting in the development of strategies to consolidate peace and providing assistance for the building of institutions in support of the rule of law and to assist in the promotion of human rights.

¹¹² *Ibid.*, pp. 5-7.

¹¹³ At its 4595th meeting, held in private on 7 August 2002, the Council heard briefings by the Vice-Minister for External Relations of Angola and the Under-Secretary-General and Special Adviser for Special Assignments in Africa.

¹¹⁴ S/2002/934.

¹¹⁵ S/2002/834, submitted pursuant to resolution 1294 (2000).

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;¹¹⁶ it was put to the vote and adopted unanimously as resolution 1433 (2002), by which the Council, *inter alia*:

Authorized the establishment of, as a follow-on mission to the United Nations Office in Angola, the United Nations Mission in Angola for a period of six months until 15 February 2003, to pursue the objectives and perform the tasks recommended by the Secretary-General in his report and reflected in paragraph 3 of the resolution, and expressed its intention, in determining whether to extend, adjust or curtail the mission, to take into account the recommendations of the Secretary-General based on his Special Representative's assessment of progress in completing the Lusaka Protocol;

Endorsed the staffing of the Mission as appropriate and as recommended by the Secretary-General in his report, including the recommendation for a Child Protection Adviser, with the following mandate: to assist the parties in concluding the Lusaka Protocol; to assist the Government of Angola in undertaking tasks;

Requested the Secretary-General to report to the Security Council when his Special Representative confirmed that the Joint Commission had determined that all remaining tasks under the Lusaka Protocols had been completed; and decided to remain actively seized of the matter.

**Decision of 18 October 2002 (4628th meeting):
resolution 1439 (2002)**

At the 4628th meeting, on 18 October 2002, the President (Cameroon) drew the attention of the members of the Council to a letter dated 14 October 2002 from the Chairman of the Committee established pursuant to resolution 864 (1993),¹¹⁷ transmitting the additional report of the Monitoring Mechanism on Sanctions against UNITA.

In its report, the Monitoring Mechanism stated that the pattern of widespread and flagrant violations had changed given that a number of individuals, as well as industry and government officials who aided and abetted UNITA, were no longer active. In spite of these improvements, and even though the military wing of UNITA had turned over huge quantities of weapons to the Government during the demilitarization process, considerable amounts of arms remained unaccounted for. On top of this, UNITA was still believed to be in possession of stashes of illicit diamonds that had been

¹¹⁶ S/2002/936.

¹¹⁷ S/2002/1119; the report was submitted pursuant to paragraph 5 of resolution 1404 (2002).

neither located nor accounted for, and a significant number of UNITA members who played vital roles in the illicit procurement of arms, smuggling of diamonds and propaganda had not yet explicitly indicated their intention to join the peace process. The report of the Mechanism also included a brief summary of the data on arms surrendered by UNITA during the demobilization. From this information, it concluded that during the past two years there had been a clear disruption in the ability of UNITA to purchase weapons and it had experienced severe shortages of supplies. Nonetheless, the Mechanism considered that the problem of cross-border illicit circulation of firearms between the Democratic Republic of the Congo, Namibia and Zambia constituted a threat, and therefore post-conflict programmes should include specific measures aimed at properly dealing with that phenomenon. Regarding the diamond component of the sanctions regime, the Mechanism, *inter alia*, asserted that the lack of transparency in any centre, except Belgium, and the legal requirements of commercial confidentiality in diamond centres had made the task of gathering evidence, and substantiating the often detailed information available, "close to impossible". On the remaining capacity of UNITA to violate the diamond embargo, the Mechanism indicated that UNITA had continued to mine until the effective end of the war in 2002 and that there was evidence that suggested that its troops had carried out mining-related activities.

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Bulgaria, France, Ireland, Norway, the United Kingdom and the United States;¹¹⁸ it was put to the vote and adopted unanimously as resolution 1439 (2002), by which the Council, *inter alia*:

Decided to extend the mandate of the monitoring mechanism for a further period of two months, ending on 19 December 2002, subject to review by the Council;

Requested the monitoring mechanism to provide the Committee established pursuant to resolution 864 (1993) within 10 days of the date of adoption of the resolution with an action plan for its future work;

Requested the Secretary-General, upon adoption of the resolution and acting in consultation with the Committee to appoint two experts to serve on the monitoring mechanism, and further requested the Secretary-General to make the necessary

¹¹⁸ S/2002/1168.

financial arrangements to support the work of the monitoring mechanism;

Decided that the provisions of paragraph 4 (a) and 4 (b) of resolution 1127 (1997) should cease to have effect from 00:01 Eastern Standard Time on 14 November 2002, following the expiration of the suspension of the measures as set out in paragraph 1 of resolution 1432 (2002);

Decided to review, with a view to the possible lifting of, all the measures in resolutions 864 (1993), 1127 (1997) and 1173 (1998) by 19 November 2002, including from the Government of Angola and all other parties involved, on the implementation of the peace accords.

**Decision of 9 December 2002 (4657th meeting):
resolution 1448 (2002)**

At the 4657th meeting, on 9 December 2002, the President (Colombia) drew the attention of the Council to the draft resolution;¹¹⁹ it was put to the vote and adopted unanimously as resolution 1448 (2002), by which the Council, *inter alia*:

Decided that the measures imposed by Council resolutions 864 (1993), 1127 (1997) and 1173 (1998) should cease to have effect from the date of adoption of the resolution;

Decided further to dissolve the Committee established by paragraph 22 of resolution 864 (1993) with immediate effect;

Decided to request that the Secretary-General close the United Nations Trust Fund established by resolution 1237 (1999) and to make the necessary arrangements to reimburse Member States that had provided voluntary contributions.

**Deliberations of 17 December 2002
(4671st meeting)**

At its 4671st meeting, on 17 December 2002, the Council included in its agenda the interim report of the Secretary-General dated 12 December 2002 on the United Nations Mission in Angola.¹²⁰ The Special Representative of the Secretary-General for Angola and Head of the Mission briefed the Council.

In his interim report, the Secretary-General informed Council members of the latest developments in Angola since the end of the armed conflict, including the signing of the Memorandum of Commitment, the efforts of UNITA to unite and transform itself into a political party, and the completion of the work of the Joint Commission. In conclusion, the Secretary-General stated that, after 27 years of war, there were at last real prospects for lasting peace in Angola. The challenges were still considerable, however, and the support of the United Nations and the international community needed to be accompanied by the strong will of the Government of Angola to establish transparent and accountable governmental institutions across the board. He underlined that, while significant progress had been made on the political track, the major remaining challenges were in the humanitarian and development sectors.

In his briefing, the Special Representative indicated that it had successfully initiated activities in nearly all the areas mandated to it. In the effort to establish the United Nations Mission in Angola as an integrated and coordinated mission, numerous initiatives were promoted, which had provided an integrated strategy for United Nations activities in Angola. On the issue of the sanctions, he reported that the decision taken by the Council to lift them had been welcomed by both UNITA and the Government. Regarding the humanitarian situation, on the other hand, he asserted that it remained extremely difficult, with a need to concentrate on the process of resettlement of ex-combatants and their families, as well as internally displaced persons and refugees from neighbouring countries. However, some progress had been made and since 2002 the humanitarian operation had doubled in size.¹²¹

¹²¹ S/PV.4671, pp. 2-5.

¹¹⁹ S/2002/1331.

¹²⁰ S/2002/1353, submitted pursuant to resolution 1433 (2002).

5. The situation concerning Rwanda

Deliberations of 14 April 2000 (4127th meeting)

At its 4127th meeting, on 14 April 2000, the Security Council included in its agenda a letter dated 15 December 1999 from the Secretary-General addressed to the President of the Security Council,¹ transmitting a report of the Secretary-General dated 15 December 1999 on the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda. The report examined the circumstances surrounding the failure of the international community to prevent the systematic slaughter of some 800,000 people in Rwanda in 1994 by examining the events leading up to the genocide and the actions taken by the United Nations and other major actors. The Independent Inquiry found that the response of the United Nations before and during the 1994 genocide had failed in a number of fundamental respects and that “responsibility for the failings lay with a number of different actors, in particular, the Secretary-General, the Secretariat, the Security Council, the United Nations Assistance Mission for Rwanda (UNAMIR) and the broader membership of the United Nations”. The “overriding failure” in the response was “a lack of resources and a lack of will to take on the commitment which would have been necessary to prevent or to stop the genocide”. In particular UNAMIR, the main component of the United Nations presence in Rwanda had not been “planned, dimensioned, deployed or instructed in a way which provided for a proactive and assertive role in dealing with a peace process in serious trouble”. The report recommended, inter alia, initiating an action plan to prevent genocide involving the whole United Nations system; increasing the capacity of peacekeeping operations; improving the early warning capacity; and ensuring an effective flow of information within the United Nations and particularly to the Security Council.

At the meeting, the Council heard a briefing by the Chairman of the Independent Inquiry, followed by statements by the representatives of Argentina, Bangladesh, China, Jamaica, Malaysia, Mali, Namibia, the United Kingdom, the Russian Federation, Tunisia and Ukraine.

In his briefing, the Chairman of the Independent Inquiry reported that the Council had had the power to

prevent the tragedy in Rwanda, and could act to ensure such a tragedy did not happen again. He stressed that the overriding failure of the United Nations in Rwanda was due to the lack of political will by Member States to act in the face of crises, which affected the response of the Secretariat, the decision-making by the Security Council and the difficulties in getting troops for the UNAMIR. He stated that one of the aspects of the United Nations role during the genocide, which had caused most bitterness in Rwanda, was the fact that a few weeks after the start of the genocide, the Council decided to reduce the strength of UNAMIR. He maintained that the Rwandan tragedy had impacted on the belief in the capacity of the United Nations to fulfil the purposes for which it was founded. He stressed that, in future, the Council needed to give missions the mandate they needed, mobilize the necessary troops and resources, and accept its responsibility irrespective of where problems occurred. The Secretary-General needed to tell the Council what the real needs on the ground were; how many troops and what mandate was needed; how tough the task was; and the Council needed to ensure that short-term financial constraint did not prevent effective action. He stated that there was a hope that the panel that had been appointed to follow up on the Rwanda and Srebrenica reports would help in identifying these lessons. He maintained that the best way to honour the victims of the Rwandan tragedy was through a firm commitment never to turn away from civilians victimized by armed conflict again. Improving the protection of civilians was a key task for the United Nations, he noted. Therefore, there could be no neutrality in the face of the threat of genocide or massive violations of human rights and peacekeepers and the United Nations needed to act in these cases. He added that the presence of a United Nations mission, whether or not its mandate included protection of civilians, would create an expectation among civilians that they would be protected. He hoped that the report would improve the relations between Rwanda and the United Nations and that its recommendations would be taken on board in future discussion on the role of the United Nations in conflict situations.²

Most speakers welcomed the report of the Independent Inquiry into United Nations actions during

¹ S/1999/1257.

² S/PV.4127, pp. 2-4.

the 1994 Rwanda genocide and expressed regret about “the failure of the United Nations in Rwanda”. They emphasized the need to learn the lessons from Rwanda and to ensure that “the United Nations responded to prevent genocide in the future”. Several speakers noted that responsibility for the failures in Rwanda needed to be shared by both the United Nations and the great majority of Member States that were not willing to send troops or materiel to Rwanda. Several speakers stressed the need to provide appropriate mandate and resources to peacekeeping missions, as well as “to have better communication between the Council and the field”.

At the same meeting, the representative of the Netherlands maintained that there were a number of lessons to be learned from the report. Firstly, a peace process should not be treated as something of a higher order than the populations of the countries concerned. Secondly, one should not clutch at a peace process that had ceased to be relevant; if a peace process was dead, it was the conflict that demanded attention. Thirdly, more attention should be paid to non-governmental organizations, since they had a wealth of up-to-date information from the ground. Fourthly, evenhandedness was not a virtue when genocide was going on. He concluded that everything needed to be done “to prevent future catastrophes of the type that took place in Srebrenica and Rwanda”.³

The representative of the United States stated that the report made clear that in Rwanda, as in Bosnia and Somalia, the international system had failed and that these collective failures had “nearly brought the United Nations system down”. He maintained that the atrocities carried out by a small group of “murderers intent on promoting hate to preserve power” had been political acts and those who had perpetrated them needed to be held responsible. Furthermore, the international community also needed to be held responsible for not acting against the violence. He stressed that the prevention of another round of violence, genocidal or otherwise, in central Africa was one of the core elements of United States policy in the Great Lakes, and one of the United Nations’ greatest challenges. The legacy of “genocide and ethnic cleansing” in Rwanda, Burundi and the eastern part of the Democratic Republic of the Congo was a tragic reality that needed to be addressed. He maintained that

³ Ibid., pp. 5-6.

the discussion should galvanize support for the United Nations sanctions against the ex-Rwandese Armed Forces and Interahamwe. Nevertheless, he stressed that it could not be said that the solution to problems in Rwanda lay exclusively in actions within the Democratic Republic of the Congo, but neither could it be said that problems in Rwanda could be solved without addressing the presence of the genocidal militias in a neighbouring State.⁴

The representative of Mali stressed that the political will to act, and in particular to prevent acts of genocide or massive violations of human rights, needed to be clear and not be subject to double standards. He also stressed the importance of enhancing the early warning capacity of the United Nations, particularly its capacity to analyse information and react effectively to it.⁵

The representative of the United Kingdom noted the need for the Council to have accurate timely and unfiltered information, but also stressed that the Council and the United Nations membership needed to demonstrate the political will to act on that information to tackle complex humanitarian emergencies.⁶

The representative of Argentina maintained that United Nations peacekeeping operations could not remain indifferent in the face of any deliberate attempt to carry out serious attack on the civil population. A “false idea of impartiality” could not be allowed to prevail when genocide or crimes against humanity were being committed. He also stressed the need to strengthen standards for the protection of human rights and international law and the need to establish an appropriate national and international machinery to fight impunity.⁷

The representative of the Russian Federation, noting that the capacity of the Security Council was not unlimited, argued that the Council needed to attempt, on one hand, to ensure that peacekeepers provided maximum protection for innocent civilians and, on the other, to avoid “creating illusions that [were] not backed up by the real capacities of United Nations personnel”.⁸

⁴ Ibid., pp. 8-10.

⁵ Ibid., p. 10.

⁶ Ibid., p. 12.

⁷ Ibid., p. 13.

⁸ Ibid., p. 14.

The representative of Malaysia commented that many questions that should have been addressed by the Independent Inquiry were kept in abeyance. Such questions revolved around the identity of perpetrators and possible accomplices in the attack that had claimed the lives of the Heads of State of Rwanda and Burundi, and which had served as a catalyst for the genocide. He also noted that the report was based on evidence collected from only one side of the conflict, that of the Rwandese Patriotic Front and its collaborators. He suggested that similar interviews with other personalities in exile could have been useful. He also suggested that it would have been useful for the Independent Inquiry to have included in its recommendations the setting up of a more comprehensive and detailed commission of inquiry on the genocide.⁹

The representative of France stressed that the United Nations had failed in its mission during the genocide and it could no longer be inactive or impotent in the face of such tragedies. He stated that in the face of the genocide, and the delays and difficulties in strengthening UNAMIR, France had established Operation Turquoise to assist the people who were under threat, with the support of the troops of African countries and with the authorization of the Security Council. He commented that his delegation felt that the criticism of Operation Turquoise was “unjustified”. He noted that while the report of the Independent Inquiry reflected some of this criticism, it also gave credit to the Operation for saving lives when few other initiatives were being taken. Moving to the lessons that needed to be learned, he noted that after the failure to deal with the Rwandan genocide, the United Nations had not been able to face up to subsequent crises, and he stressed that United Nations action with respect to the Great Lakes region as a whole needed to be more sustained. On the work of the Council, he recommended that the decisions of the Council in setting up new operations be better prepared. Information provided by the Secretariat needed to be supplemented by other data, particularly historical data, so that the Council could better understand the situation. He also stressed the need to improve the follow-up of the United Nations missions. Once

missions had been deployed, implementation of their mandate had not been always followed up carefully enough, so there was a need for greater regularity and a need to refocus the work of the Council on crisis situations and United Nations operations. He suggested spending more time considering those situations and less time on the “thematic subjects”.¹⁰

The representative of Jamaica stated that future peacekeeping missions needed to be designed with allowances for rapidly changing circumstances, or at the minimum it had to be possible to have reinforcements deployed quickly. He stressed that the practice of deploying the minimum number of troops on the basis of political or financial expediency took no account of the many variables that troops might be presented with in the field, and the Council could not continue to send troops without the necessary room to maneuver when faced with unforeseen circumstances. He also suggested that a mechanism needed to be designed to allow force commanders the necessary flexibility to determine the best course of action and rapidly communicate decisions to the Council.¹¹

The representative of Canada maintained that in the most exceptional situations the protection of civilians required the will in the Council “to intervene with force if necessary”. While military intervention was called for only in the most severe cases, he stressed that the price of inaction had been too high, and the Council needed to have a framework for action if the need arose.¹²

The representative of Rwanda stated that the report clearly showed that the world had failed Rwanda but the Government and people of Rwanda were grateful to those who had put their hands on their hearts and apologized on behalf of their peoples and their Governments for failing Rwanda. He maintained that the victims of the genocide in Rwanda were still suffering cruelly from physical, psychological and post-trauma hardships, and the best efforts of the Government were not enough to address them. He concluded that the report clearly challenged the conscience of the international community and evoked the responsibility of the parties to the 1948 Genocide Convention.¹³

⁹ Ibid., p. 15.

¹⁰ Ibid., pp. 17-19.

¹¹ Ibid., p. 22.

¹² Ibid., pp. 23-25.

¹³ Ibid., pp. 25-26.

6. The situation in Burundi

Decision of 19 January 2000 (4091st meeting): resolution 1286 (2000)

At its 4091st meeting, on 19 January 2000, the Security Council heard briefings by the Secretary-General and the Facilitator of the Burundi peace process, and the former President of South Africa, Nelson Mandela, following which all Council members and the representative of Burundi made statements.

The Secretary-General congratulated the President (United States) on his success in focusing world attention on Africa and its problems. He underlined that of all the many crises and conflicts confronting Africa, perhaps none was more urgent than the one in Burundi, and in no other country was it so easy to imagine a repetition of ethnic killing on a genocidal scale. He remembered the efforts made by the former President of the United Republic of Tanzania, Mwalimu Julius Nyerere, to push the peace process forward and welcomed the involvement of Nelson Mandela to revive it. He informed Council members about the progress achieved in the commissions in Arusha and through consultations in Dar es Salaam. Yet serious disagreements remained on some key issues, including the future composition of the army, the electoral system and the transitions period, while other issues, such as guarantees for the minority community and the question of reconciliation versus impunity, had yet to be seriously addressed. He underlined the unstable and volatile regional context and the growing number of Burundian refugees, which had reached 500,000 and was still growing. He stated that more than 800,000 people, 12 per cent of the country's population, were internally displaced, many of them as a result of a deliberate Government policy of forcibly relocating civilians in circumstances that could not be justified under international humanitarian law. Since September 2008, 300,000 people had been herded into camps where he asserted they had been deprived of the most elementary means of subsistence. He affirmed that they were on the verge of another humanitarian catastrophe, for which the world would undoubtedly hold the Government of Burundi responsible and urged its authorities to abandon the inhumane and illegal camps policy altogether and to allow independent humanitarian agencies full access to them as well as to ensure the safety of humanitarian workers. He warned that the Burundian parties'

"willingness to sacrifice the lives of their fellow citizens on the altar of their political ambitions" amounted to a "betrayal" of other Africans striving to promote their continent's recovery. He encouraged all parties in the conflict to seek a political solution, which he hoped would be supported by the diplomatic and economic assistance of the international community.¹

The Facilitator of the Burundi peace process briefed Council members in detail about the progress of the Arusha process, especially the achievements of the four committees for the negotiations, and about their visit to Arusha. He emphasized that the responsibility to reach an agreement rested squarely with the leaders of the Burundi people. He advocated for an inclusive process and appealed to all belligerents to respect the international humanitarian efforts in Burundi. He observed that one of the most important issues impacting upon the situation in Burundi and the negotiation process was that of violence. He, therefore, stressed that the international community should seek to send a clear message to the Government of Burundi that, in spite of the manner in which they had come to power, they and the Burundi army had a particular responsibility to defend and protect the entire civilian population, and not just part of it. He called for the international community's support on financial, humanitarian and political assistance. Finally, he pointed out the impact of regional developments in the Great Lakes region on developments in Burundi.²

The majority of the speakers welcomed the appointment of the Facilitator, and recognized the contribution of former President Nyerere to the peace in Burundi. A few representatives commended the presidency for highlighting the Burundi situation as a part of the Council's focus on Africa. Most of the representatives emphasized the necessity of a political solution through collective participation in the Arusha process. A number of representatives expressed concern about the attacks against the civilian population and United Nations personnel as well as humanitarian conditions. Several speakers expressed the view that the economic situation was the main cause of the current turbulence and called for humanitarian, economic and development assistance.

¹ S/PV.4091, pp. 2-3.

² *Ibid.*, pp. 4-6.

Most representatives stressed the requirement of dealing with the problems of the Great Lakes region as a whole, specifically with the situation in the Democratic Republic of the Congo.

A few representatives supported the proposal of France to convene an international conference on the Great Lakes region under the joint auspices of the Organization of African Unity (OAU)³ and the United Nations.⁴

Some representatives condemned the policy of *regroupment* and called for the dismantling of the camps and for free access to them in the meantime by humanitarian workers and human rights observers.⁵ The representative of the United Kingdom pointed out that the Government of Burundi had not been listening to the international community and had not been putting the people of Burundi first. He added that the draft resolution before the Council did not, in the end, mention the regroupment camps, but his Government, like the Secretary-General, condemned those camps.⁶ The representative of Netherlands affirmed that his delegation did not consider the involuntary resettlement or regroupment of rural populations an acceptable way to address the security situation in Burundi, but did believe that Burundi had the right to be safeguarded from cross-border attacks by armed insurgents.⁷ The representative of the Russian Federation expressed his delegation's concern over the continuing practice of forced displacement of civilians into camps under military guard.⁸ The representative of Malaysia noted the explanation given by the Government of Burundi that the regrouping of the population was not forced and was a response to real concerns for their safety and well-being and hoped that such measures were only temporary in nature and would be terminated as soon as possible so that the people could return to their homes in safety.⁹

The representative of Burundi informed Council members that no national catastrophe in terms of widespread massacres was really imminent. He rejected allegations that regroupment camps were part of an ethnic cleansing system or that they involved human rights violations and stated that the only goal of those operations had been to ensure security. He affirmed that they would be able to close some of the camps within two weeks and that camps were accessible and open to all monitors and humanitarian personnel. He asserted that the rebellion was not only internal and that it had taken root in neighbouring and even distant countries as far away as southern Africa. He cautioned that the needlessly prolonged and extreme economic pressure on his country due to the embargo on international cooperation threatened to lead to an explosion. Finally, he added that the situation was extremely urgent and called for resuming cooperation immediately.¹⁰

At the same meeting, the President (United States) drew the attention of the Council to a draft resolution;¹¹ it was adopted unanimously as resolution 1286 (2000), by which the Council, *inter alia*:

Warmly endorsed and strongly supported the designation by the eighth Arusha Regional Summit on 1 December 1999 of Nelson Mandela as the new Facilitator of the Arusha peace process;

Reiterated its strong support for the renewed Arusha peace process;

Endorsed efforts by the Secretary-General to enhance the role of the United Nations in Burundi and in particular the continued work of his Special Representative for the Great Lakes region; and expressed appreciation for international donor support;

Condemned continuing violence perpetrated by all parties, and in particular by those non-State actors who refused to participate in the Arusha peace process;

Condemned attacks against civilians in Burundi;

Strongly condemned the murder of UNICEF and World Food Programme personnel and Burundian civilians in Rutana province in October 1999;

Called for the immediate, full, safe and unhindered access of humanitarian workers and human rights observers to all regroupment camps, and called for internees to have access to their livelihoods outside these camps;

³ On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

⁴ S/PV.4091, p. 9 (Argentina); p. 10 (France); and p. 11 (China).

⁵ *Ibid.*, p. 8 (Canada); p. 9 (Argentina); p. 10 (France); p. 11 (United Kingdom); p. 13 (Namibia); and p. 16 (United States).

⁶ *Ibid.*, pp. 11-12.

⁷ *Ibid.*, p. 15.

⁸ *Ibid.*, p. 16.

⁹ *Ibid.*, p. 14.

¹⁰ *Ibid.*, pp. 17-18.

¹¹ S/2000/29.

Called for donors to provide humanitarian and human rights assistance to Burundi and to resume substantial economic and development assistance with due regard to security conditions.

Decision of 29 September 2000 (4201st meeting): statement by the President

At the 4201st meeting, on 29 September 2000, the representative of Burundi was invited to participate in the discussion.¹² The Council heard briefings by the Secretary-General and the Facilitator of the Burundi peace process.

The Secretary-General observed that the signing of the Arusha agreement on 28 August, followed by the agreement on 20 September in Nairobi on the participation of the remaining three parties, was a very important milestone in Burundi's long and painful road to peace. He believed that the Arusha agreement addressed the root causes of the conflict, such as exclusion and genocide, as well as the tragic consequences of the war, including the plight of hundreds of thousands of refugees and internally displaced people.¹³

The Facilitator of the Burundi peace process welcomed the "serious and direct interest" of the international community in the quest for peace in Burundi and the involvement of a range of Heads of State and Government in the Burundi peace process. He explained the methodology and procedure of the peace process; the political agreement signed in Arusha; and remaining matters relating to details and implementation. He observed that one of the most encouraging developments was the agreement between the leaders of the two major political rallies in the country to work together to resolve problems among themselves. He affirmed that the process then continued with a major focus on engaging the combatant rebel forces in direct talks with the political leadership. But he noted that he had stressed to the leaders of rebel forces that there could not be any justification for continuing violent attacks on the civilian population when a political agreement had been reached and a way had been opened for them to bring their concerns to the negotiating table. Regarding the regroupment camps, he noted that while the armed forces were saying that they had not been dismantled,

¹² Namibia was represented by its Minister for Foreign Affairs.

¹³ S/PV.4201, p. 2.

the representative of the Secretary-General and the representative of OAU had assured him that they had been. He noted that some of the inmates were refusing to leave the camps because of the security situation inside the country. He also mentioned that he was moving his office to Bujumbura, but said that the security situation did not yet allow for the returned of exiled Burundian leaders. He concluded that the international community should be mobilized to assist massively in the reconstruction and development of the economy and society of Burundi.¹⁴

At the meeting, the President (Mali) made a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Welcomed the signature on 28 August 2000 of the Arusha Peace Accord, as well as the signatures added to that Accord at a regional summit held on 20 September 2000 in Nairobi, commended those Burundian parties, including the Government of Burundi, which had demonstrated their commitment to continued negotiations; reiterated its call, in resolution 1286 (2000) of 19 January 2000, on all parties that remained outside the peace process to cease hostilities and to participate fully in that process; and supported the call of the Facilitator to the rebel groups to clarify their positions by 20 October 2000;

Condemned all attacks on civilian populations;

Remained deeply concerned at the continuing levels of violence in Burundi, in particular that perpetrated by rebel groups, despite the call made to them for direct negotiations with the Burundian Government to secure a lasting ceasefire agreement;

Noted the holding of a meeting of donor countries in Brussels on 15 September 2000; welcomed the call made at that meeting for progressive resumption of assistance to Burundi, including through development aid, to alleviate its urgent humanitarian and economic problems as it made progress in its internal peace negotiations; and also welcomed the plan to hold a donor conference in Paris in due course.

Decision of 2 March 2001 (4285th meeting): statement by the President

At the 4285th meeting,¹⁶ on 2 March 2001, the representative of Burundi was invited to participate in the discussion. The President (Ukraine) made a

¹⁴ *Ibid.*, pp. 3-6.

¹⁵ S/PRST/2000/29.

¹⁶ At its 4202nd meeting, held in private on 29 September 2000, the Council had a useful exchange of views with the Facilitator of the Burundi peace process.

statement on behalf of the Council,¹⁷ by which the Council, *inter alia*:

Condemned the recent attacks by armed groups in Burundi and called for the immediate cessation of those attacks;

Expressed its strong disapproval of all acts aimed at undermining the peace process in Burundi;

Condemned the deliberate targeting of civilians and reiterated its call on all concerned to join the peace process; and stressed the importance of providing urgent humanitarian assistance to civilians displaced by the hostilities;

Reaffirmed its full support to the continuing efforts of the Facilitator, the Regional Peace Initiative and the Implementation Monitoring Committee to bring peace to Burundi.

Decision of 29 June 2001 (4341st meeting): statement by the President

At the 4341st meeting,¹⁸ on 29 June 2001, the representative of Burundi was invited to participate in the discussion. The President (Bangladesh) made a statement on behalf of the Council,¹⁹ by which the Council, *inter alia*:

Strongly emphasized to the parties to the Arusha Peace and Reconciliation Agreement of 28 August 2000 the need to implement all the immediately applicable provisions of the Agreement, including the provisions for the establishment of new institutions;

Expressed grave concern at continuing human rights abuses and violations of humanitarian law, and stressed the need for all parties to ensure respect for human rights and humanitarian law;

Urged the belligerents to commit themselves immediately to the protection of civilians, in particular their life, physical integrity and the means necessary for their survival;

Also reiterated its call for safe and unhindered access for the delivery of humanitarian aid to all people in need.

¹⁷ S/PRST/2001/6.

¹⁸ At the 4297th meeting, held in private on 16 March 2001, the members of the Council and the representative of Burundi had a constructive discussion; at its 4338th meeting, held in private on 27 June 2001, the Council heard a statement by the second Vice-President of Burundi.

¹⁹ S/PRST/2001/17.

Decision of 26 September 2001 (4383rd meeting): statement by the President

At the 4383rd meeting,²⁰ on 26 September 2001, the representative of Burundi was invited to participate in the discussion. The President (France) made a statement on behalf of the Council,²¹ by which the Council, *inter alia*:

Reaffirmed its strong support for the facilitation of former President Nelson Mandela;

Called on all parties to cooperate fully with the Implementation Monitoring Committee; strongly supported the installation on 1 November 2001 of the Transitional Government in Burundi;

Called on the Burundian parties to reach agreement on the establishment of a special protection unit of providing personal security for politicians returning from exile;

Concerned by the increase of violence, recalled the urgent need to bring about a negotiated settlement;

Called on all States to cease all forms of support to the Forces nationales de Libération (FNL) and the Front pour la défense de la démocratie (FDD);

Called upon the donor community to increase their humanitarian assistance to Burundi.

Decision of 29 October 2001 (4399th meeting): resolution 1375 (2001)

At the 4399th meeting, on 29 October 2001, the President (Ireland) drew the attention of the Council to a draft resolution²² and two letters,²³ and a statement

²⁰ At the 4378th meeting, held in private on 20 September 2001, the members of the Council heard briefings and had a constructive interactive discussion with the representative of the Facilitator of the Burundi peace process and the representative of the Facilitator in the Implementation Monitoring Committee.

²¹ S/PRST/2001/26.

²² S/2001/1016.

²³ Letter dated 15 October 2001 from the representative of Belgium addressed to the Secretary-General, transmitting a statement by the Presidency on behalf of the European Union concerning the Great Lakes region (S/2001/979); and letter dated 25 October 2001 from the representative of South Africa addressed to the President of the Security Council, transmitting a letter from the Minister for Foreign Affairs on South Africa's intention to deploy security personnel to Burundi and a letter from the President of Burundi requesting South Africa to make available protection for the political leaders returning from exile (S/2001/1013).

was made by the representative of the United Kingdom.

The representative of the United Kingdom thanked the representatives of Mauritius and Jamaica for putting the draft resolution forward as the original sponsors. He also congratulated the Government of South Africa on taking the initiative on the protection force and on their commitment to it. However, he emphasized that the Council was not endorsing the protection force itself or giving it a United Nations mandate.²⁴

At the same meeting, the draft resolution was adopted unanimously as resolution 1375 (2001), by which the Council, *inter alia*:

Reaffirmed its strong support for the installation on 1 November 2001 of the Transitional Government in Burundi;

Called on FNL and FDD to cease immediately all hostilities, enter into negotiations and join the peace process, and called on all the States of the region to fully support the process;

Endorsed the efforts of the Government of South Africa and other Member States to support the implementation of the Arusha Agreement, and strongly supported in this regard the establishment of an interim multinational security presence in Burundi, at the request of its Government, to protect returning political leaders and train an all-Burundian protection force;

Requested the Government of Burundi to keep the Council informed of progress to establish an all-Burundian protection force;

Urged the international community, with the installation of the Transitional Government, to provide additional assistance, including by honouring fully the pledges made by donors during the Paris Conference of December 2000.

Deliberations of 8 November 2001 (4406th meeting)

At the 4406th meeting, on 8 November 2001, the President (Jamaica) invited the representatives of Burundi, the Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Kenya, Nigeria, Rwanda, Senegal, South Africa, Uganda, the United Republic of Tanzania and Zambia, as well as the Permanent Observer for the Organization of African Unity to participate in the discussion.²⁵ The Council heard

²⁴ S/PV.4399, p. 2.

²⁵ The Minister for Foreign Affairs and Cooperation of Burundi, the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of

briefings by the Special Representative of the Secretary-General for the Great Lakes region and Chairman of the Implementation Monitoring Committee, and the Deputy Prime Minister for Foreign Affairs of Uganda and Chairman of the Regional Peace Initiative on Burundi, following which the President of the Security Council made a statement.

The Special Representative of the Secretary-General for the Great Lakes region stated that, on 1 November 2001, the Transitional Government of National Unity had been inaugurated in Burundi, which had been witnessed by several African leaders and representatives of international organizations,²⁶ and expressed the belief that the inauguration constituted a significant step in the implementation of the Arusha Peace and Reconciliation Agreement. He detailed, *inter alia*, the adoption of a transitional constitution; the arrival of the first group of the special protection unit; the return of a number of political leaders from exile to participate in the new Government; and the priorities of the Transitional Government. He commended the initiative of former President Nyerere, as well as Nelson Mandela, who had completed his task as Facilitator. He warned that so long as violence persisted the peace process would remain “fragile”. He encouraged the two armed groups FDD and FNL, to put down their arms and join their compatriots in the search for durable peace in Burundi without delay. Finally, he suggested that the international community could bring a peace dividend by resuming in a significant way its socioeconomic development cooperation and enhancing its humanitarian assistance qualitatively and quantitatively. He suggested that the Council might wish to consider, *inter alia*, calling on the two armed groups to engage the new Government in serious negotiations; expressing its support for the

the Congo, the Minister for Foreign Affairs of Ghana, the Special Envoy of the President of Rwanda, the Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania, the Deputy Prime Minister and Minister for Foreign Affairs of Uganda, and the Minister for Foreign Affairs of Zambia represented their countries at this meeting.

²⁶ Including the Presidents of Malawi, Nigeria, Rwanda, the United Republic of Tanzania and Zambia as well as the Facilitator of the Burundi peace process, the Deputy Presidents of South Africa and Uganda, the Secretary General of the Organization of African Unity, representatives of the United Nations and the European Union and representatives of other African States at the ministerial level.

regional special protection unit; and calling on all the signatory parties to cooperate fully with the Implementation Monitoring Committee in the discharge of its mandate under the Arusha Agreement.²⁷

The Deputy Prime Minister and Minister for Foreign Affairs of Uganda and Chairman of the Regional Peace Initiative on Burundi saluted the Council for its partnership with the Great Lakes Regional Initiative in the search for a permanent solution to the conflict in Burundi. He informed Council members about, *inter alia*, the inauguration of the Transitional Government, and that the position of the region was that the negotiations between the Transitional Government and the armed opposition, facilitated by the President of Gabon and the Deputy President of South Africa, would continue. He asked for support and encouragement from the Council in the formation of a new national army, Parliament and other institutions of the transition as well as to bring their influence to bear on the armed groups. He emphasized that the link between the conflicts in Burundi and in the Democratic Republic of the Congo had hitherto been a complicating factor in the search for peace in the Great Lakes region, but that there was an opportunity for it to become a positive force. He noted the decision of the regional leaders to deploy a regional force in Burundi, composed of troops from South Africa, Nigeria, Ghana and Senegal. Nevertheless, he insisted that it was “extremely important” that a ceasefire was urgently put in place in Burundi in order to allow for the deployment of a United Nations peacekeeping force under Chapter VII of the Charter and the involvement of the armed groups — FDD and FNL — in the power-sharing arrangement. He called on the Security Council to send a strong message that it was prepared to commit an adequate United Nations peacekeeping force as soon a ceasefire was in place.²⁸

The President of the Security Council recognized the idea of the Ambassador of France to convene a dialogue with the members of the Regional Peace Initiative on Burundi. She paid special tribute to the Facilitator, the regional leaders and the Burundian parties for their “efforts in making the Transitional Government a reality”. She reiterated the call of the Security Council to the armed groups to cooperate with

the Transitional Government and expressed the Council’s support for the regional special protection force. She warned about the deteriorating humanitarian and human rights situation in the country and stated that the Council stood ready to assist in that regard.²⁹

Decision of 8 November 2001 (4408th meeting): statement by the President

At the 4408th meeting,³⁰ on 8 November 2001, the President (Jamaica) made a statement on behalf of the Council,³¹ by which the Council, *inter alia*:

Condemned the recent attacks by FDD and FNL on civilians, and was gravely concerned that the frequency of such attacks had increased;

Stated that the installation of a broad-based government in accordance with an internationally supported peace process made armed rebellion an unacceptable means of political expression;

Reiterated its call for an immediate suspension of hostilities in Burundi and for the armed groups to enter into negotiations to reach a definitive ceasefire, which was the priority issue;

Called on the international community to increase its humanitarian assistance, as well as to assist in Burundi’s economic recovery and development through, *inter alia*, honouring the pledges made at the Paris donors’ conference.

Decision of 15 November 2001 (4417th meeting): statement by the President

At the 4417th meeting,³² on 8 November 2001, the representative of Burundi was invited to participate in the discussion. The President (Jamaica) drew the attention of the Council to the interim report of the Secretary-General on the situation in Burundi.³³ In his report, the Secretary-General highlighted the urgent

²⁹ *Ibid.*, pp. 6-7.

³⁰ At the 4407th meeting, held in private on 8 November 2001, the members of the Council and the members of the Regional Peace Initiative on Burundi, as well as the Special Representative of the Secretary-General for the Great Lakes region and Chairman of the Implementation Monitoring Committee and the Permanent Observer of the Organization of African Unity had a constructive discussion.

³¹ S/PRST/2001/33.

³² At the 4416th meeting, held in private on 15 November 2001, the members of the Council heard a briefing by the Facilitator of the Burundi peace process, and had a useful exchange of views with him.

³³ S/2001/1076.

²⁷ S/PV.4406, pp. 2-4.

²⁸ *Ibid.*, pp. 4-6.

need to cease hostilities to allow the full implementation of the Arusha Agreement, reiterated his call upon the armed groups to negotiate a cessation of hostilities, and invited donors to assist the country in its humanitarian, development and reconstruction efforts.

At the meeting, the President made a statement on behalf of the Council,³⁴ by the Council, *inter alia*:

Expressed its deep gratitude to Madiba Nelson Mandela for his dedicated service and commitment towards political reconciliation in Burundi;

Also acknowledged his contribution as Facilitator of the Burundi peace process;

Expressed its appreciation to Madiba and the South African Government for initiating the deployment of the first elements of the multinational security presence to protect political leaders of the Transitional Government;

Expressed its concern about the recent increase in violence and reiterated its call on all Burundians to reject violence and support the Regional Peace Initiative and the Transitional Government.

Deliberations of 5 February 2002 (4467th meeting)

At its 4467th meeting, on 5 February 2002, the Council heard a statement by the President of Burundi. The President affirmed that his country had opted for peace through dialogue due to its conviction that any other way would lead the country to an impasse. He noted, *inter alia*, the improvement of the political climate in Burundi; the return of political leaders from exile; the upcoming transfer of power at the Head of State level; and the future local, legislative and presidential elections. He pointed out that the negotiation and signing of a ceasefire was crucial to speeding up and concluding the needed reform process. He emphasized that the Security Council had the means to make the Burundian rebels renounce violence. He also asserted that if diplomatic means did not succeed, all other means needed to be used to prevent the rebels from taking the peace process hostage. He called on other countries in the subregion to halt those who sought to destabilize the country. He expressed the belief that peace in the Great Lakes region would come when every country of the region lived in peace. He concluded by expressing concern about the economy of Burundi and hoping that the

³⁴ S/PRST/2001/35.

pledges made in Geneva would be redeemed without further delay by donors.³⁵

Decision of 7 February 2002 (4471st meeting): statement by the President

At the 4471st meeting,³⁶ on 7 February 2002, the President (Mexico) made a statement on behalf of the Council,³⁷ by which the Council, *inter alia*:

Paid tribute to the signatories to the Arusha Agreement, and the transitional President, Pierre Buyoya, in particular, for their efforts to advance the peace process;

Reaffirmed that continued fighting against the legitimate transitional government set up pursuant to an inclusive peace agreement was totally unjustifiable and unacceptable, and threatened the implementation of the peace process;

Called on the rebel groups immediately to lay down arms in the interest of all Burundians and recalled that only a negotiated solution would finally end the fighting;

Welcomed the steps taken by the Governments of Burundi and the Democratic Republic of the Congo to normalize their relations;

Stressed the important role of the international community in that regard and called on donor countries to honour as soon as possible the pledges which they made at the Paris (December 2000) and Geneva (December 2001) donor round tables, as well as on the United Nations system as a whole to support the Transitional Government for the reconstruction of the country.

Deliberations of 4 December 2002 (4655th meeting)

At the 4655th meeting,³⁸ on 4 December 2002, the representative of Burundi was invited to participate in the discussion. The Council heard a briefing by the Deputy President of South Africa and statements were made by the representatives of Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Norway, Singapore, the Syrian Arab Republic, the United Kingdom and the United States.

³⁵ S/PV.4467, pp. 2-4.

³⁶ At the 4468th meeting, held in private on 5 February 2002, the members of the Council and the President of Burundi had a constructive discussion.

³⁷ S/PRST/2002/3.

³⁸ At the 4609th meeting, held in private on 17 September 2002, the members of the Council and the Minister for External Relations and Cooperation of Burundi had a constructive discussion.

The Deputy President of South Africa noted that in the two years since the mediation in Burundi had begun, the two armed groups, CNDD-FDD³⁹ and Palipehutu-FNL⁴⁰ had split because of infighting, resulting in four armed movements, with the same names but different leaders. He emphasized that the message of the Security Council delegation in South Africa to the armed groups directing them to enter into negotiations “immediately and without conditions” had eliminated the wrong impression that the international community supported their reluctance to negotiate a ceasefire. He underlined that the Transitional Government had signed ceasefire agreements with CNDD-FDD of Pierre Nkurunziza, CNDD-FDD of Jean-Bosco Ndayikengurukiye and Palipehutu-FNL of Alain Mugabarabona. He remarked that the nineteenth summit of Heads of State on Burundi had directed the other Palipehutu-FNL to enter into negotiations immediately and conclude a ceasefire agreement or face robust sanctions. Recalling the “stringent precepts of the United Nations”, including the difficulties of deploying peacekeeping forces where there was not a total ceasefire, he underlined that, given the nature of the conflict, there would never be a straightforward and classical ceasefire agreement. However, his Government believed that the support of such a unique situation was possible under Chapter VIII of the Charter, which supported the establishment of regional initiatives for the resolution of conflicts, as well as Chapter VI, which provided for the use of regional initiatives for the resolution of disputes without the active and direct involvement of, but with the full support of, the United Nations. He maintained that the African mission and other structures to be set up would require the support of the United Nations apparatus to ensure success.⁴¹

The majority of the speakers welcomed the ceasefire agreement and paid tribute to the Burundian negotiators, to the heads of State of the region, in particular the Deputy President of South Africa, as well as the Special Representative of the Secretary-General. Most of the speakers maintained that the ceasefire needed to become universal, and that FNL needed to join the peace process. Some speakers appealed to the

international community to provide ongoing assistance to Burundi in the implementation of the agreements. Several representatives encouraged the transitional authorities to work with their neighbours, especially with the Democratic Republic of the Congo, and supported an international conference in the Great Lakes region.

The representative of France stated that the Council would have to reflect on the support that it could provide to a possible African force or to whatever formula that the Secretary-General could recommend in support of the peace process, once all the parties had agreed to a ceasefire in Burundi.⁴²

The representative of Colombia noted the possibility of imposing international sanctions on FNL, while the representative of the United States expressed support for the call by the President of Uganda for regionally imposed sanctions.⁴³

**Decision of 18 December 2002 (4675th meeting):
statement by the President**

At its 4675th meeting, on 18 December 2002, the Council included in its agenda the report of the Secretary-General on the situation in Burundi.⁴⁴ In his report, the Secretary-General observed that the full implementation of the Arusha Agreement would only be possible if a ceasefire agreement was reached. A ceasefire that did not include all armed parties and political movements would be dangerous and needed to be avoided. Moreover the issue of reform of the security sector needed to be addressed by the parties in the context of the ceasefire negotiations. He commended the efforts to this end by Deputy President of South Africa, the Governments of Gabon and the United Republic of Tanzania and to the Regional Peace Initiative. He noted that once a comprehensive ceasefire agreement had been reached, he intended to provide to the Security Council an analysis of the situation and recommendations on the future course of action, including planning for a possible expanded involvement of the United Nations in Burundi.

At the meeting, the representative of Burundi was invited to participate in the discussion, and the

³⁹ Conseil national pour la défense de la démocratie — Front pour la défense de la démocratie.

⁴⁰ Parti pour la libération du peuple hutu — Forces nationales de libération.

⁴¹ S/PV.4655, pp. 2-5.

⁴² Ibid., p. 6.

⁴³ Ibid., p. 10 (United States); and p. 11 (Colombia).

⁴⁴ S/2002/1259.

President (Colombia) made a statement on behalf of the Council,⁴⁵ by which the Council, *inter alia*:

Welcomed the signing of the ceasefire agreement between the Transitional Government of Burundi and the CNDD-FDD in Arusha on 2 December 2002;

Supported the decision of the nineteenth Heads of State summit of the Regional Initiative to direct Palipehutu-FNL to enter into negotiation immediately and conclude a ceasefire agreement by 30 December 2002 or face the consequences;

Strongly urged FNL, under the leadership of Agathon Rwaswa, to put an end immediately to the hostilities, sign a ceasefire agreement and commit themselves to political negotiations;

Welcomed the success of the donor round table organized in Geneva on 27 and 28 November 2002, and called on donors to respond urgently to the significant progress made recently and to disburse fully the contributions promised so far;

Strongly condemned all massacres and other acts of violence against civilians in Burundi;

Expressed serious concern about the deteriorating humanitarian situation in Burundi.

**Decision of 2 May 2003 (4749th meeting):
statement by the President**

At the 4749th meeting, on 2 May 2003, the representative of Burundi was invited to participate in the discussion, and the President (Pakistan) made a statement on behalf of the Council,⁴⁶ by which the Council, *inter alia*:

Congratulated the Burundian parties on the peaceful transition of power in accordance with the 2000 Arusha Agreement; condemned the attacks of 17 and 25 April on Bujumbura and other cities by the forces of CNDD-FDD;

Reiterated its demand that FNL (Rwaswa) lay down its arms and immediately enter into ceasefire with the Government of Burundi without preconditions;

Expressed support for the speedy deployment of the African Mission in Burundi;

Urged donors to support the economy in Burundi;

Urged the Burundian parties to take serious, meaningful steps to address human rights and accountability issues; and reaffirmed the vital importance of the Burundian parties themselves taking ownership of the process to address the devastating impact of impunity;

Requested the Secretary-General to continue to support the peace process in Burundi.

**Deliberations of 4 December 2003
(4876th meeting)**

At the 4876th meeting,⁴⁷ on 4 December 2003, the representative of Burundi was invited to participate in the discussion. The Council heard briefings by the Deputy President of South Africa and the President of the Economic and Social Council, following which all Council members made statements.

The Deputy President of South Africa informed the Council that he had received a mandate from the Great Lakes Regional Peace Initiative on Burundi to report to the Security Council again and to request urgent direct assistance for the Burundi peace process. He detailed the tremendous progress in Burundi, *inter alia*, the establishment of the African mission in March 2003 and an inclusive Transitional Government; reduced levels of violence; the “proficient” presidential alternation from President Buyoya of the Tutsi political family to President Ndayizeye of the Hutu political family in line with the Arusha Agreement of 2000; and the conclusion of outstanding negotiations and the implementation of various agreements. He believed that the establishment of the African mission had been in line with Chapter VIII of the Charter of the United Nations and that reference was also made to such initiatives in Chapter VI. The African mission was headed by a Special Representative of the African Union in Burundi, assisted by three deputies from South Africa, the United Republic of Tanzania and Uganda, and integrated a military component with contingents from Mozambique, Ethiopia, and South Africa, with military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia. The objectives of the mission were to oversee the implementation of the ceasefire agreements and to work to achieve conditions that were favourable for the establishment of a United Nations peacekeeping mission. He maintained that the mission was widely regarded as a shining example and model of African solutions to continental security challenges. He also told Council members about the signing of the two Pretoria Protocols of 8 October and 2 November 2003, and the comprehensive ceasefire

⁴⁵ S/PRST/2002/40.

⁴⁶ S/PRST/2003/4.

⁴⁷ At the 4832nd meeting, held in private on 22 September 2003, the members of the Council, the President of Burundi and the Chairperson of the Commission of the African Union had a constructive exchange of views.

agreement signed in Dar es Salaam on 16 November 2003, which had been a consolidation of all agreements between CNDD-FDD of Mr. Nkurunziza and the Transitional Government. As a result, Burundi had completed the first two thirds of the transition period, at the end of which a democratically elected legislature and executive would be in place to replace transitional institutions. He remarked that the November Summit had issued an ultimatum to FNL to join the peace process. He pointed out that conditions were now conducive for the United Nations to express its support and solidarity by taking over the African mission in Burundi, re-hatting the existing military contingent and deploying a United Nations peacekeeping operation. The other, more immediate, relief measures were to provide material, logistical and financial support to enable it to continue its work.⁴⁸

The President of the Economic and Social Council observed that part of the needed international assistance clearly fell within the purview of the Security Council, such as ensuring that the African Union mission peacekeepers either stayed in place or were replaced by United Nations peacekeepers, or a combination of both. He also recognized that supporting the transition between rehabilitation and reconstruction as well as longer-term development clearly fell within the mandate of the Economic and Social Council, with a third part, including support for demobilization, disarmament and reintegration falling somewhere in between. In any case, peace was a prerequisite for reconstruction and development, so the immediate challenge was to avoid any slippage back into conflict. Finally, he opined that the United Nations could advocate for a solid partnership between the international community and Burundians.⁴⁹

The majority of the speakers commended the efforts by the South African authorities, the Heads of State of Uganda and the United Republic of Tanzania as well as of many other actors of the Great Lakes Regional Peace Initiative and the African Union, particularly praised the regional nature of various efforts, and welcomed the agreements of 2 and 8 November. Most of the representatives regretted the failure of the Nairobi negotiations between the Transitional Government and FNL and urged the parties to cease hostilities and enter into negotiations.

⁴⁸ S/PV.4876, pp. 2-5.

⁴⁹ Ibid., p. 5.

Several representatives expressed concern about the economic, social and humanitarian situation in the country, as well as the results to date of the disarmament, demobilization and reintegration process. A few speakers referred to the regional dimension of the conflict in the countries of the Great Lakes region.⁵⁰

Some speakers advocated further logistical and financial support to the African mission⁵¹ or stated that they would examine the possibility of contributing to peacekeeping efforts in Burundi.⁵²

The representatives of Angola, Cameroon, France, Guinea and the United Kingdom spoke in favour of the deployment of a United Nations peacekeeping operation in Burundi.⁵³ The representative of France pointed out that the international community needed to take over from and consolidate regional efforts, and ensure an element of coherence in United Nations actions.⁵⁴ The representative of Angola called the attention of the Council to the need to apply the same standards to Burundi as it had in Liberia, in the Democratic Republic of the Congo and as it would in Côte d'Ivoire.⁵⁵

The representative of China highlighted that the United Nations needed to enhance its coordination and cooperation with the African Union and its support to the African Union's mission in Burundi through joint efforts.⁵⁶

The representative of Germany suggested that if FNL failed to enter into negotiations within a three-month period, the Council might wish to consider coercive measures against those FNL leaders unwilling to cooperate, as well as a weapons embargo against FNL.⁵⁷

⁵⁰ Ibid., p. 7 (Angola); p. 10 (Germany); and p. 12 (Russian Federation).

⁵¹ Ibid., p. 7 (Pakistan); p. 8 (China); p. 11 (United States, Syrian Arab Republic); and p. 15 (Bulgaria).

⁵² Ibid., p. 7 (Pakistan); p. 8 (China); p. 11 (United States); p. 12 (Russian Federation); and p. 14 (Chile).

⁵³ Ibid., p. 6 (France); pp. 6-7 (Angola); pp. 8-9 (United Kingdom); pp. 12-13 (Guinea); and pp. 13-14 (Cameroon).

⁵⁴ Ibid., p. 6.

⁵⁵ Ibid., pp. 6-7.

⁵⁶ Ibid., p. 8.

⁵⁷ Ibid., p. 10.

Decision of 22 December 2003 (4891st meeting): statement by the President

At its 4891st meeting, on 22 December 2003, the Council included in its agenda the report of the Secretary-General on the situation in Burundi.⁵⁸

In his report, the Secretary-General underlined that the transfer of power at the level of the Head of State and intensive ceasefire negotiations in 2003 had created a new hope for a democratic and peaceful Burundi. The transitional institutions were working well and the people of Burundi were adjusting themselves to the new situation. He reiterated his call on Palipehutu-FNL to “immediately and without conditions” begin ceasefire negotiations with the Transitional Government. He expressed concern about the living conditions of the people of Burundi and called on the donor community to provide “all-round assistance” and support to the African Mission in Burundi. Finally, he indicated that the preparation and

⁵⁸ S/2003/1146.

conduct of the elections would need to be undertaken in the coming year.

At the meeting, the President (Bulgaria) made a statement on behalf of the Council,⁵⁹ by which the Council, *inter alia*:

Reaffirmed its full support for the peace process of the Arusha Agreement for Peace and Reconciliation for Burundi, called on all the Burundian parties to implement their commitments and assured them of its determination to support their efforts in this direction;

Welcomed the progress recently made by the Burundian parties, in particular by the signing, in Pretoria, of the protocols of 8 October and 2 November 2003 and by the conclusion, on 16 November 2003 in Dar es Salaam, of the Global Ceasefire Agreement between the Transitional Government and CNDD-FDD of Mr. Nkurunziza;

Condemned all acts of violence as well as violations of human rights and international humanitarian law, and reaffirmed its determination to support Burundian efforts to prevent such acts, based on the rule of law, in order to put an end to impunity.

⁵⁹ S/PRST/2003/30.

7. Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America

Decision of 12 September 2003 (4820th meeting): resolution 1506 (2003)

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representative of the Libyan Arab Jamahiriya informed the Council that the remaining issues relating to the fulfilment of all Security Council resolutions resulting from the Lockerbie incident had been resolved. The Libyan Arab Jamahiriya had facilitated the bringing to justice of the two suspects charged with the bombing of Pan Am flight 103 and accepted responsibility for the actions of its officials; had cooperated with the Scottish investigating authorities; and had arranged for the payment of appropriate compensation. His Government had also repeatedly condemned all acts of terrorism. He then called on the Security Council to immediately lift the measures set forth in its resolutions 748 (1992) and 883 (1993).¹

¹ S/2003/818.

By a letter dated 15 August 2003 addressed to the President of the Security Council, the representatives of the United Kingdom and the United States referred to the letter dated 15 August 2003 from Libyan Arab Jamahiriya related to bombing of Pan Am flight 103 and reported that the Governments of the United Kingdom and the United States were prepared to allow the lifting of the measures set forth in resolutions 748 (1992) and 883 (1993) once the necessary sums referred to in the Libyan letter had been transferred to the agreed escrow account.²

At its 4820th meeting, convened on 9 September 2003, the Security Council included in its agenda the above-mentioned letters. The representative of the Libyan Arab Jamahiriya was invited to participate in the meeting. The President (United Kingdom) stated that, as a result of painstaking negotiations, the Libyan Arab Jamahiriya had accepted its responsibility for the bombing of Pan Am flight 103 over Lockerbie and had

² S/2003/819.

agreed to pay compensation to the relatives of the victims, to cooperate with any further Lockerbie investigation and to renounce terrorism. He stated that these agreements were all substantial gains, which opened the possibility of the Libyan Arab Jamahiriya moving back into the international community and of the lifting sanctions. However, he also stated that the Council members were conscious of two factors: that the Council needed to act unanimously; and that there were legitimate concerns pertaining to the Libya Arab Jamahiriya which still needed resolution. As a result of a discussion on the issues among the Council members, the President invoked rule 33 of the provisional rule of the procedures and proposed the adjournment of the meeting. The procedural motion was then put to the vote and was carried unanimously.

On 12 September 2003, the meeting was reconvened, and statements were made by the representatives of Bulgaria, France, Germany, Pakistan, the Russian Federation, Spain, the Syrian Arab Republic, the United Kingdom and the United States. The President (United Kingdom) drew attention to a draft resolution submitted by Bulgaria and the United Kingdom;³ it was put to the vote and adopted by 13 votes to none, with 2 abstentions (France, United States) as resolution 1506 (2003), by which the Council, *inter alia*:

Decided to lift, with immediate effect, the measures set forth in paragraphs 4, 5 and 6 of its resolution 748 (1992) and paragraphs 3, 4, 5, 6 and 7 of its resolution 883 (1993);

Decided further to dissolve the Committee established by paragraph 9 of resolution 748 (1992);

Decided also that it had concluded its consideration of the item entitled "Letters dated 20 and 23 December 1991 from France, the United Kingdom of Great Britain and Northern Ireland and the United States of America" and removed the item from the list of matters of which the Council was seized.

The representative of the United States stated that the sanctions had been suspended in 1999 after the Libyan Arab Jamahiriya had fulfilled one demand by transferring the two Libyan suspects for trial and that the country had subsequently addressed the remaining United Nations requirements related to the bombing of Pan Am flight 103. In recognition of these steps, his country had not opposed the formal lifting of the sanctions on the Libyan Arab Jamahiriya. However, he emphasized that this decision must not be misconstrued

by the Libyan Arab Jamahiriya or by the world community as United States acceptance that the Government of the Libyan Arab Jamahiriya had rehabilitated itself. He also stated that the United States continued to be concerned about other aspects of Libyan behaviour, including its poor human rights record; its rejection of democratic norms and standards, its irresponsible behaviour in Africa; its history of involvement in terrorism; and its pursuit of weapons of mass destruction and their means of delivery. He stated that the United States would intensify its efforts to end the Libyan Arab Jamahiriya's threatening actions. This included keeping United States bilateral sanctions on the Libyan Arab Jamahiriya. He stated that the United States could not guarantee that the Libyan Arab Jamahiriya would take the required steps and it would not want the United States' vote on the resolution lifting sanctions to be misconstrued as a decision now to modify United States bilateral measures. He stated that for this reason, and because of the concerns he had stated, his country had abstained in the voting on this resolution.⁴

The representative of France stated that the agreement reached on the previous day between the representatives of the families of UTA flight 772 and the Qaddafi Foundation had allowed France not to oppose the lifting of sanctions against the Libyan Arab Jamahiriya. The lifting of sanctions against the Libyan Arab Jamahiriya was an important phase in the process of reintegrating that country into the international community. He stressed that this normalization, which France encouraged, presumed that the Libyan Arab Jamahiriya would continue to make the necessary gestures beyond the requirements for the lifting of sanctions. He also stressed that France would be vigilant in ensuring that the agreement reached between the families of the victims of the bombing of the UTA flight and the Qaddafi Foundation was rapidly implemented. He stated that this was the substance of the position according to which France had abstained in the voting on the resolution just adopted by the Security Council. He emphasized that France also intended to be vigilant with respect to all aspects involving human rights and combating terrorism.⁵

⁴ S/PV.4820 (Part II), p. 3.

⁵ *Ibid.*, pp. 3-4.

³ S/2003/824.

The representative of the United Kingdom emphasized that the arrangements for the trial and appeal were made in accordance with the Security Council resolution. He appreciated that the Council had placed sanctions on the Libyan Arab Jamahiriya until certain requirements were met, sanctions being the only means of actually delivering justice. He stated that his country would pursue those responsible for terrorism. He stressed that his country hoped the resolution would bring some comfort to the relatives and friends of the victims of the bombing of Pan Am flight 103 and that the agreement was the result of patient diplomacy over many years.⁶

Speakers expressed their sympathy with the families of the victims of the bombings of Pan Am flight 103 and UTA flight 772 and the terrorist attack on the La Belle discotheque in Berlin. They also agreed that the Libyan Arab Jamahiriya had fully met with the conditions for the lifting of the sanctions imposed by the Security Council. A number of speakers called on the Libyan Arab Jamahiriya for further commitment to the implementation of the agreements, including, *inter alia*, cooperating in anti-terrorism and paying the compensation to the relatives of the victims of the relevant terrorist attacks.

The representatives of France, Germany, and the United Kingdom welcomed that the representatives of the families of the bombings of UTA flight 772 and the Qaddafi Foundation had reached agreement on the compensation for the relatives of the victims. They also urged the Libyan Arab Jamahiriya to reach an appropriate settlement with the representatives of victims and their families of the bombing in Berlin.⁷

The representative of Spain stated that the lifting of the sanctions not only ended the alienation of a country like the Libyan Arab Jamahiriya from the international community, but it also reflected recognition of an improvement in the relations of that country with the international community. For Spain, which was committed to anti-terrorism, the act of proclaiming the renunciation of terrorism as an instrument of political action was a source of great satisfaction.⁸

⁶ *Ibid.*, pp. 5-6.

⁷ *Ibid.*, p. 4 (France, Germany); and p. 6 (United Kingdom).

⁸ *Ibid.*, p. 5.

The representative of Bulgaria emphasized its close and important relationship with the Libyan Arab Jamahiriya. He also stated that Bulgaria had always maintained that once a country under sanctions fulfilled the conditions imposed on it by the Council, the sanctions must be lifted.⁹

However, the representatives of the Russian Federation, Pakistan and the Syrian Arab Republic regretted that the Security Council had been delayed in resolving the question of lifting the sanctions.¹⁰ The representatives of Pakistan and the Syrian Arab Republic expressed happiness that the long-standing suffering of the fraternal Libyan people under the weight of those sanctions was now coming to an end.¹¹ The representative of Pakistan stressed that, while his country understood the French position, given the humanitarian aspects of the issue of the compensation for the families of the bombing of UTA flight 772, adjudication of issues such as compensation rested with other relevant organs, in the light to the provisions of the Charter. He also stressed that if that approach had been followed the delay in the final lifting of the sanctions and a strain on the Council could have been avoided.¹² The representative of the Russian Federation stated that, as a result of the delay in resolving the question of lifting the sanctions, the political image of the Libyan Arab Jamahiriya had been undermined, despite the suspension of action related to the sanction measures by the Council in 1998. He emphasized that restrictive measures under Chapter VII of the Charter must immediately cease once all Security Council requirements had been met.¹³ The representative of the Syrian Arab Republic emphasized that his country believed that the Council did not have to impose sanctions that would adversely impact the civilian population and that exposed people to suffering under collective sanctions that were unacceptable under international law and the Charter.¹⁴

⁹ *Ibid.*, p. 4.

¹⁰ *Ibid.*, p. 4 (Bulgaria, Pakistan); and p. 5 (Russian Federation and Syrian Arab Republic).

¹¹ *Ibid.*, p. 4 (Pakistan); and p. 5 (Syrian Arab Republic).

¹² *Ibid.*, pp. 4-5.

¹³ *Ibid.*, p. 4 (Bulgaria, Pakistan); and p. 5 (Russian Federation, Syrian Arab Republic).

¹⁴ *Ibid.*, p. 5.

8. The situation in Sierra Leone

Decision of 7 February 2000 (4099th meeting): resolution 1289 (2000)

At its 4098th meeting,¹ on 7 February 2000, the Security Council included in its agenda a letter dated 23 December 1999 from the Secretary-General addressed to the President of the Security Council² and the report of the Secretary-General on the United Nations Mission in Sierra Leone (UNAMSIL) dated 11 January 2000.³

By the above-mentioned letter, in view of the impending withdrawal of troops from the Monitoring Group of the Economic Community of West African States (ECOWAS) in Sierra Leone, the Secretary-General recommended that the Council authorize the expansion of UNAMSIL up to 10,000 military personnel and broaden its mandate with more robust rules of engagement in order to enable it to assume the functions currently performed by the Monitoring Group (ECOMOG).

In his report, the Secretary-General observed that the peace established in Sierra Leone, despite some progress, remained very fragile. In order to enable UNAMSIL to assume many of the functions assigned to ECOMOG, he recommended that the Security Council authorize, as soon as possible, the expansion of UNAMSIL to up to 11,100 military personnel and a broadening of its mandate. He noted that the expansion of UNAMSIL would be indispensable for making progress towards priorities identified in the peace process — maintaining the necessary security conditions for the implementation of the Lomé Agreement, in particular the disarmament, demobilization and reintegration programme, the extension of State administration throughout the

provinces and, in due course, the holding of elections in Sierra Leone.

At the meeting, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, following which statements were made by the representatives of Bangladesh, Mali, the Netherlands and the United Kingdom. In his briefing, the Under-Secretary-General reported that the situation in Sierra Leone had remained relatively stable, notwithstanding a number of serious incidents and updated the Council on the deployment and expansion of UNAMSIL, in view of the withdrawal of ECOMOG troops from the country. Concluding his briefing, he underlined the importance for regional leaders and Security Council members to continue to engage with the parties to ensure they fulfill their commitments under the Lomé Agreement and cooperate fully with UNAMSIL. Following a number of questions regarding the deployment of UNAMSIL, the Under-Secretary-General reported about some difficulties concerning the operational capacity of the Mission and updated the Council on the stage of negotiations with a number of countries interested in contributing to the expanded Mission.⁴

At its 4099th meeting,⁵ on 7 February 2000, the Council included in its agenda the documents considered at the 4098th meeting.⁶ The President (Argentina) also drew the attention of the Council to a letter dated 17 January 2000 from the Minister for Foreign Affairs and International Cooperation of Sierra Leone,⁷ endorsing the recommendations of the Secretary-General contained in his report dated 11 January 2000.

Some Council members,⁸ as well as the representative of Sierra Leone, made statements. In their statements, speakers supported the expansion and the broadened mandate of UNAMSIL, recognized the contribution of ECOMOG, and underlined the importance of the full implementation of the Lomé

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission in Sierra Leone (UNAMSIL), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 13 September 2001 (4371st), 20 March 2002 (4496th), 18 September 2002 (4610th), 20 March 2003 (4724th) and 16 September 2003 (4827th).

² S/1999/1285.

³ S/2000/13 and Add.1, submitted pursuant to resolution 1270 (1999).

⁴ S/PV.4098, pp. 2-4.

⁵ For more information on the discussion at this meeting, see chap. XI, part IV, sect. B, with regard to Article 42 of the Charter.

⁶ S/1999/1285 and S/2000/13 and Add.1.

⁷ S/2000/31.

⁸ Canada, China, Ukraine, the United Kingdom and the United States.

Agreement. The representative of Sierra Leone welcomed the fact that the revised mandate and additional responsibilities of UNAMSIL were fully backed by Chapter VII of the Charter of the United Nations.⁹ By contrast, the representative of the United Kingdom underlined that UNAMSIL was not a Chapter VII peace enforcement mission, although in formulating the mandate of the Mission it was recognized that the task required a robust and serious stance against possible threats.¹⁰

At the same meeting, the President drew the attention of the Council to a draft resolution;¹¹ it was put to the vote and adopted unanimously as resolution 1289 (2000), by which the Council, *inter alia*:

Decided that the military component of UNAMSIL should be expanded to a maximum of 11,100 military personnel, including the 260 military observers already deployed;

Decided further that the mandate of UNAMSIL, as revised, should be extended for a period of six months from the date of the adoption of the resolution;

Authorized the increases in the civil affairs, civilian police, administrative and technical personnel of UNAMSIL proposed by the Secretary-General in his report of 11 January 2000;

Welcomed the intention of the Secretary-General to establish within UNAMSIL a landmine action office responsible for mine action activities; reiterated the importance of the safety, security and freedom of movement of United Nations and associated personnel;

Reiterated its request to the Government of Sierra Leone to conclude a status-of-forces agreement with the Secretary-General within 30 days of the adoption of this resolution;

Welcomed the contributions made to the multi-donor trust fund;

Acting under Chapter VII of the Charter of the United Nations, decided further that the mandate of UNAMSIL should be revised to include the following additional tasks:

(a) To provide security at key locations and Government buildings, in particular in Freetown, important intersections and major airports, including Lungi airport;

(b) To facilitate the free flow of people, goods and humanitarian assistance along specified thoroughfares;

(c) To provide security in and at all sites of the disarmament, demobilization and reintegration programme;

(d) To coordinate with and assist, in common areas of deployment, the Sierra Leone law enforcement authorities in the discharge of their responsibilities;

(e) To guard weapons, ammunition and other military equipment collected from ex-combatants and to assist in their subsequent disposal or destruction;

Authorized UNAMSIL to take the necessary action to fulfil the additional tasks set out above.

Deliberations of 13 March 2000 (4111th meeting)

On 7 March 2000, the Secretary-General submitted a report on UNAMSIL,¹² in which he observed that one of the main priorities for UNAMSIL remained the speedy establishment of a credible peacekeeping presence throughout the country to create the necessary climate of confidence and security conditions for the implementation of various aspects of the peace process. At the same time, the Secretary-General expressed concern about the often negative and confusing approach taken by the leader of the Revolutionary United Front (RUF), Mr. Foday Sankoh, to key elements of the peace process and the role entrusted to the United Nations and UNAMSIL. He condemned as unacceptable the continuing ceasefire violations perpetrated against civilians and peacekeepers as well as the persistent obstruction of UNAMSIL patrols and deployments. In the face of considerable difficulties, the Secretary-General reported that UNAMSIL made impressive progress in deploying to many locations in Sierra Leone, including areas where previously no ECOMOG peacekeepers had been deployed. He therefore hoped that the continuing expansion of UNAMSIL would help to instill confidence and accelerate the process of disarmament, which progressed quite slowly, as well as the delivery of humanitarian assistance. Also, the Secretary-General outlined the main steps ahead in the peace process in Sierra Leone that could be grouped under four specific areas: first, the early disarmament, demobilization and reintegration of all ex-combatants; secondly, the extension of State authority, including law enforcement, throughout the country; thirdly, national reconciliation and democratization; and, fourthly, the improvement of Sierra Leone's capacity to ensure its own security. The Secretary-General observed that the progress towards these objectives would require full

⁹ S/PV.4099, p. 3.

¹⁰ *Ibid.*, p. 4.

¹¹ S/2000/34.

¹² S/2000/186, submitted pursuant to resolution 1289 (2000).

and sustained commitment by the Government of Sierra Leone, RUF and other Sierra Leonean parties, as well as on the part of the international community. Finally, the Secretary-General expressed his gratitude to the efforts of the ECOWAS Chairman as well as of the other leaders of the region in supporting the peace process in Sierra Leone.

At its 4111th meeting, on 13 March 2000, the Council included in its agenda the above-mentioned report of the Secretary-General.¹² At the meeting, at which statements were made by most members of the Council and the representative of Sierra Leone,¹³ the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations. In his briefing, the Assistant Secretary-General noted that during the reporting period there had been some progress in furthering the peace process in Sierra Leone, but in many areas the process had remained slow, in particular with regard to the disarmament process in the northern and eastern parts of the country, where groups of rebels continued to interfere with humanitarian activities and with UNAMSIL patrols and to harass the civilian population in such areas. He reiterated the appeal of the Secretary-General for the parties to stop the ceasefire violations perpetrated against the civilians and the peacekeepers as well as the persistent obstructions of UNAMSIL patrols and deployment. Finally, he recalled the main steps that according to the Secretary-General should be taken in the peace process, underscoring also the importance of a sustained commitment by all the parties concerned, as well as the need for significant material and financial resources.¹⁴

In the course of the debate, members of the Council endorsed the report of the Secretary-General and generally concurred with his assessment of the situation as well as with the four main steps in the peace process. The representative of the United Kingdom noted that his recent visit to Sierra Leone bore out the main conclusions in the Secretary-General's analysis and recommended that the President make a statement to the media which, among other things, made it clear that the Council endorsed the conclusions of the Secretary-General's report.¹⁵ Some speakers welcomed the continued presence of ECOMOG to maintain the fragile situation and prevent

a security vacuum and, in this regard, applauded the decision of the Government of Nigeria to suspend the withdrawal of the Nigerian ECOMOG troops.¹⁶ The representative of Malaysia stated that it was imperative for UNAMSIL to respond in a "more assertive manner", in accordance with the robust rules of engagement provided for under the limited Chapter VII mandate of the Mission.¹⁷ Similarly, the representative of Argentina noted that, since UNAMSIL was facing a hostile environment, Chapter VII of the Charter and the rules of engagement should be applied very rigorously.¹⁸

On the basis of the preceding discussion, the President outlined six elements he intended to include in his statement to the media: (1) members of the Security Council endorsed, in general, the conclusions of the Secretary-General's report; (2) Council members placed great weight on the early implementation of all aspects of the Lomé Peace Agreement and commended the efforts of the Special Representative of the Secretary-General, Mr. Oluyemi Adeniji, and of UNAMSIL to this end; (3) Council members expressed their disappointment at the slow progress being made in the disarmament, demobilization and reintegration process in particular; (4) Council members called upon all signatories to the Lomé Agreement, and in particular upon Chairman Sankoh and RUF, to reaffirm and demonstrate their concrete commitment to the Lomé peace process by allowing the extension of State authority throughout Sierra Leone, in full cooperation with UNAMSIL and with the United Nations team as a whole, and by instructing the RUF membership to disarm and to surrender all weapons, including their heavy weapons, mines and anti-aircraft equipment; (5) Council members urged Member States strictly to enforce the travel ban imposed by the Council and to remind concerned Sierra Leone leaders of their obligation to obtain exemptions before travelling abroad, without exception; and lastly (6) Council members welcomed the upcoming donor conference in London on 27 March and urged Members to participate and contribute generously to the peace process and development efforts in Sierra Leone.¹⁹

¹³ The representative of France did not make a statement.

¹⁴ S/PV.4111, pp. 2-5.

¹⁵ Ibid., pp. 5-7.

¹⁶ Ibid., p. 8 (Netherlands); and p. 11 (Jamaica); and S/PV.4111 (Resumption 1), p. 6 (Canada).

¹⁷ S/PV.4111, p. 7.

¹⁸ S/PV.4111 (Resumption 1), p. 4.

¹⁹ Ibid., p. 12.

**Decision of 4 May 2000 (4134th meeting):
statement by the President**

At the 4134th meeting, on 4 May 2000, in which the representative of Sierra Leone was invited to participate, the President (China) drew the attention of the Council to two letters dated 2 and 4 May 2000 from the representative of Sierra Leone, transmitting, respectively, a press release related to incidents of violence against international peacekeepers in Sierra Leone²⁰ and a resolution adopted by the Parliament of Sierra Leone following the mounting attacks on UNAMSIL forces.²¹

At the meeting, the President made a statement on behalf of the Council,²² by which the Council, *inter alia*:

Demanded that RUF release immediately and unharmed all detained United Nations and other international personnel and cooperate in establishing the whereabouts of those unaccounted for; held Foday Sankoh, as leader of RUF, to be responsible for these actions;

Commended the forces of UNAMSIL and the Force Commander for the courage, resolve and sacrifice they had shown in attempting to bring the situation under control.

Deliberations of 11 May 2000 (4139th meeting)

The 4139th meeting of the Council²³ was held on 11 May 2000 in response to the requests contained in a letter dated 10 May 2000 from the representative of Eritrea, on behalf of the Group of African States,²⁴ and letters dated 11 May 2000 from the representatives of Mali and Namibia.²⁵ The letters were included in the agenda of the meeting.

The Council heard a briefing by the Secretary-General, following which statements were made by all Council members²⁶ and the representatives of Algeria (on behalf of the Chairman of the Organization of African Unity), Djibouti, India, Japan, Jordan, Norway,

Pakistan, Portugal (on behalf of the European Union²⁷) and Sierra Leone.²⁸

In opening the meeting, the President (China) emphasized the urgency and the importance of the matter before the Council, and observed that since the deterioration of the situation in Sierra Leone the Council had held numerous consultations and heard regular briefings from the Secretariat. The Council was then briefed by the Secretary-General who described the detention of several hundreds of UNAMSIL peacekeepers by RUF as “deplorable and unacceptable”. He therefore reminded the RUF leader, Foday Sankoh, of his responsibility for the action of forces under his command, and demanded that the detainees be immediately and unconditionally released. Observing that UNAMSIL was configured as a peacekeeping force and that it was neither designed nor equipped to be an enforcement operation, the Secretary-General stated that, in the light of the new situation, it was necessary to consolidate and reinforce the United Nations troops so that they could defend themselves and their mandates effectively and help stabilize the situation. Since after the deployment of additional troops to Sierra Leone the military component of UNAMSIL would exceed the maximum authorized by the Council in resolution 1289 (2000), the Secretary-General hoped that, under the circumstances, the Council would be willing to set a new and more generous limit. Emphasizing the logistical difficulties of such reinforcement, he commended the Member States that were willing to assist, including the offer by ECOWAS to send additional troops. Noting that West African leaders, among others, had called for a revision of the UNAMSIL mandate to give it a clear enforcement role, the Secretary-General stated that he was not necessarily opposed to that but specified that, whatever mandate was decided, the first priority for the Council should be to ensure that there was the capacity to carry out the tasks outlined in the mandate. With reference to the offer of troops by ECOWAS, the Secretary-General underlined that it was contingent on financial and logistical support from other Member States. Although recognizing that a degree of regional and subregional specializations in handling security issues was quite

²⁰ S/2000/373.

²¹ S/2000/380.

²² S/PRST/2000/14.

²³ For more information on the discussion at this meeting, see chap. XI, part IV, sect. B, with regard to Article 42 of the Charter; part V, sect. B, with regard to Article 43; and part V, sect. D, with regard to Article 44.

²⁴ S/2000/408.

²⁵ S/2000/409 and S/2000/410.

²⁶ The representative of Mali made a statement in his capacity as coordinator of the States of ECOMOG.

²⁷ The Czech Republic, Hungary, Poland and Slovakia aligned themselves with the statement.

²⁸ The representative of Mozambique was invited to participate but did not make a statement.

natural and healthy, he observed that the United Nations and the Council could not be released from their overall responsibility. In his view, the best way to provide UNAMSIL with the combat capability it needed was to cooperate to reactivate the peace process and to form with the new troops a nucleus of a rapid reaction force. He therefore called on the Council to back words with deeds, and mandates with the resources to make them work.²⁹

During the course of the debate, speakers were unanimous in their condemnation of the actions of RUF and its leadership, requesting that the detained peacekeepers be released immediately and without preconditions. The majority of speakers expressed the view that the credibility of the United Nations was at stake; commended the Government of the United Kingdom for sending additional troops to defend the airport; and, in view of the possible repercussions of the events in Sierra Leone on peacekeeping in other parts of Africa, called for urgent action in the crisis; agreed that priority should be given to securing the release of the hostages, as well as to stabilizing the situation by quickly reinforcing UNAMSIL through the deployment of the remaining troops; welcomed the decision of the recent Summit of Heads of State of ECOWAS held in Abuja to send troops to Sierra Leone.

In connection with the mandate of UNAMSIL, several speakers, in view of the serious situation on the ground and the small numbers of UNAMSIL forces, called for a review of the Mission's mandate by adoption of a new resolution that would place UNAMSIL entirely within the context of Chapter VII of the Charter, making it a peace-enforcement mission.³⁰ The representative of China stressed that the Council should adopt appropriate measures with respect to the situation in Sierra Leone, including a review of the mandate and the adoption of measures to ensure that the mandate was fully implemented. In this regard, he expected the Secretariat to formulate recommendations.³¹ The representative of France noted that there should be true cohesiveness between the

mandate of the force and the size, which was not sufficiently the case for UNAMSIL.³²

By contrast, the representatives of the United Kingdom, Argentina, the Russian Federation, Portugal, India, Pakistan and Jordan expressed the view that the current mandate of UNAMSIL was sufficient to deal with the situation and to carry out the Mission's tasks, as it contained elements of Chapter VII of the Charter.³³ The representative of the United Kingdom agreed with the conclusion of the Secretary-General that changing the UNAMSIL mandate would not of itself change it into an effective peace enforcement mission and moving to peace enforcement would be a radical change of approach, which should be thought carefully.³⁴

Expressing his country's gratitude to the United Nations, the representative of Sierra Leone stressed that the average citizen in his country did not know the difference between Chapter VI and Chapter VII mandates. He therefore appealed to the Security Council, as the organ primarily responsible for the maintenance of international peace and security, to take the lead in ensuring the safety and security of the people in Sierra Leone and of the United Nations Mission deployed to give effect to the Council's mandatory decisions on Sierra Leone.³⁵

**Decision of 19 May 2000 (4145th meeting):
resolution 1299 (2000)**

At its 4145th meeting, on 19 May 2000, in which the representative of Sierra Leone was invited to participate, the Council included in its agenda a letter dated 17 May 2000 from the Secretary-General addressed to the President of the Security Council.³⁶ In the letter, the Secretary-General stated that, as a result of the recent attacks by RUF against UNAMSIL personnel and the resumption of hostilities, it was deemed crucial to accelerate the deployment of military units that Member States had already committed for service with UNAMSIL, as well as to further reinforce the Mission's military component, up to 13,000 military personnel. As the Council, by

²⁹ S/PV.4139, pp. 2-3.

³⁰ *Ibid.*, p. 5 (Algeria); p. 6 (Mali as coordinator of the ECOMOG States); p. 10 (Malaysia); p. 13 (Bangladesh); p. 14 (Namibia); p. 17 (Jamaica); p. 18 (Ukraine); and p. 20 (Tunisia).

³¹ *Ibid.*, p. 20.

³² *Ibid.*, p. 19.

³³ *Ibid.*, p. 7 (United Kingdom); p. 15 (Argentina); p. 16 (Russian Federation); p. 22 (Portugal); p. 24 (India); p. 27 (Pakistan); and p. 28 (Jordan).

³⁴ *Ibid.*, p. 7.

³⁵ *Ibid.*, p. 21.

³⁶ S/2000/446.

resolution 1289 (2000), had authorized the Mission's strength of 11,100 military personnel, the Secretary-General noted that that number would be exceeded in the following days as the reinforcements arrived, therefore requesting the Security Council to consider taking appropriate steps to authorize the interim expansion of the United Nations force.

At the meeting, at which no statements were made, the President (China) drew the attention of the Council to two letters dated 15 May 2000 from the representative of Sierra Leone, transmitting a statement by the Government on the third meeting of the Joint Implementation Committee on the Lomé Peace Agreement³⁷ and a message broadcast to the nation by the President of Sierra Leone in which he appealed to the members of RUF to lay down their arms and release all United Nations peacekeepers being detained;³⁸ and a letter dated 9 May 2000 from the representative of Mali addressed to the Secretary-General, transmitting the final communiqué of the Summit of ECOWAS Heads of State, members of the Committee on Sierra Leone of the Lomé Peace Agreement, held in Abuja on 9 May 2000.³⁹

The President then drew the attention of the Council to a draft resolution;⁴⁰ it was put to the vote and adopted unanimously and without debate as resolution 1299 (2000), by which the Council, *inter alia*:

Decided that the military component of UNAMSIL should be expanded to a maximum of 13,000 military personnel, including the 260 military observers already deployed;

Expressed its appreciation to all States for the rapid reinforcement of UNAMSIL and for their additional contribution of personnel and logistical and technical assistance; and decided to remain actively seized of the matter.

Acting under Chapter VII of the Charter of the United Nations, decided that the restrictions set out in paragraph 2 of its resolution 1171 (1998) of 5 June 1998 did not apply to the sale or supply of arms and related materiel for the sole use in Sierra Leone of those Member States cooperating with UNAMSIL and the Government of Sierra Leone.

³⁷ S/2000/433.

³⁸ S/2000/434.

³⁹ S/2000/441.

⁴⁰ S/2000/449.

**Decision of 5 July 2000 (4168th meeting):
resolution 1306 (2000)**

On 19 May 2000, the Secretary-General submitted a report on UNAMSIL, in which he observed that the overall situation in Sierra Leone remained tense and critical. He condemned as unacceptable acts the deliberate and unprovoked attacks by RUF fighters on United Nations peacekeepers as well as the detention of large numbers of United Nations personnel.⁴¹ To this end, he demanded that the leadership of RUF release immediately and unconditionally all remaining United Nations personnel in their hands and called upon those with influence on RUF to continue to work towards this end. In addition, he also recommended that the Security Council consider a strengthening of the sanctions regime, including measures which would prevent RUF commanders from reaping the benefits of their illegal exploitation of mineral resources, in particular diamonds. In such difficult circumstances, the Secretary-General noted that active political efforts to assist the people of Sierra Leone to change the course of events in their country should be supplemented by credible military force and therefore recommended an increase of the strength of UNAMSIL up to a level of 16,500 military personnel, for the purpose of stabilizing the situation in the country. With reference to the Mission's mandate, the Secretary-General observed that he did not oppose a strong peace-enforcement mandate under Chapter VII of the Charter, as long as the United Nations was able to obtain from Member States the necessary resources to carry out the new mandate and the international community demonstrated the necessary will and resolve to sustain such a commitment. The Secretary-General added that, ultimately, a lasting resolution of the crisis could not be imposed by military force alone, but needed to be found through political means, with the Government of Sierra Leone holding a particular responsibility to actively design and implement the necessary steps towards peace in consultation with its regional and international partners, particularly the continuation of the disarmament, demobilization and reintegration process, together with the restructuring of Sierra Leone's armed forces.

⁴¹ S/2000/455, submitted pursuant to resolution 1289 (2000).

At its 4168th meeting,^{42,43} on 5 July 2000, the Council included in its agenda the above-mentioned report of the Secretary-General.⁴⁴ Statements were made by the representatives of Argentina, China, Canada, France (on behalf of the European Union⁴⁵), Mali, the Netherlands, the Russian Federation, the United Kingdom and the United States.

Speaking before the vote, the representative of Sierra Leone, noting that the illicit export of Sierra Leonean diamonds was not only the fuel and the root cause of the conflict but also a major obstacle to a peaceful resolution of the conflict, welcomed the adoption of the resolution as a major contribution to

the search for peace and stability in Sierra Leone.⁴⁶ Several speakers agreed that the measures contained in the draft resolution were an important instrument to stop the illicit exploitation of and trade in diamonds in order to help restore peace and stability in Sierra Leone.⁴⁷

The representative of Canada, stating that the natural wealth of Sierra Leone needed to be used for the people of the country, welcomed the balanced approach of the resolution, which targeted illicit Sierra Leone diamonds through a certification regime. While recalling the responsibility of the diamond industry to be vigilant in its processes and in its practices, he added that the Council should consider taking further action to tackle the regional sources of support for RUF.⁴⁸

With reference to the time-bound nature of the sanctions regime imposed by the Council, the representative of the United States expressed reservations about the effectiveness of a time frame for the sanctions, stressing that the only viable criterion for a review of the measures was a change in the behaviour that led to the sanctions in the first place, namely the use of diamonds by RUF to fuel the conflict in Sierra Leone and the full control of the Government over its resources.⁴⁹ While the representative of the Netherlands supported the periodic review of the sanctions regime, he opposed time limits leading to an automatic discontinuation of sanctions in the absence of a resolution leading to their extension.⁵⁰

By contrast, expressing his satisfaction with the element of time-bound sanctions contained in the draft resolution, the representative of China indicated that the sanctions imposed by the Council should not be indefinite and that a periodic review of such measures should be conducted and adjustments made on the basis of circumstances.⁵¹ Similarly, the representative of the Russian Federation emphasized that it was of fundamental importance that the sanctions regime, in relation to the illegitimate export of diamonds from Sierra Leone, was limited to 18 months from the time

⁴² At its 4163rd meeting, held in private on 21 June 2000, the Council met with the delegation of the ECOWAS Mediation and Security Council Committee of Six on Sierra Leone which included the Minister for Foreign Affairs of Mali (leader of the delegation), the Ministers for Foreign Affairs of Ghana, Liberia, Nigeria and Togo, the Chargé d'affaires a.i. of the Permanent Mission of Guinea to the United Nations, and the Executive Secretary of ECOWAS. The members of the Security Council and the Ministerial Committee had a full discussion of the situation in Sierra Leone, during which they agreed on the need, in accordance with the objectives set out in the Lomé Agreement, to restore stability and normality throughout Sierra Leone, putting an end to violence and encouraging reconciliation between all parties to the conflict. Council members and the ECOWAS Committee also condemned the continued detention by RUF of United Nations peacekeepers and the denial of freedom of movement to a large number of other United Nations personnel in the east of the country, demanding the immediate and unconditional release of all United Nations personnel detained or surrounded. Members of the Security Council and the ECOWAS delegation also expressed their concern about the humanitarian situation in Sierra Leone and called upon all parties to ensure safe and unhindered access of humanitarian assistance to those in need in Sierra Leone. Finally, members of the Security Council informed the members of the ECOWAS delegation of ongoing discussion within the Council on draft resolutions concerning the strengthening of UNAMSIL, the control of diamond exports and arms imports and on the provision of justice.

⁴³ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 of the Charter.

⁴⁴ S/2000/455.

⁴⁵ Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Turkey aligned themselves with the statement.

⁴⁶ S/PV.4168, pp. 2-3.

⁴⁷ Ibid., pp. 3-4 (United Kingdom); pp. 4-5 (United States); p. 6 (Russian Federation); pp. 6-7 (Argentina); and p. 7 (China).

⁴⁸ Ibid., pp. 7-8.

⁴⁹ Ibid., pp. 4-5.

⁵⁰ Ibid., pp. 8-9.

⁵¹ Ibid., p. 7.

of adoption of the draft resolution, indicating that the Council should then review the situation in Sierra Leone and, if necessary, take a decision as to whether the sanctions should be extended or adjusted.⁵²

The representative of France expressed the hope that the Council would be quick in deciding to support an increase in the troop strength of UNAMSIL as recommended by the Secretary-General and in bringing Mr. Sankoh and his associates to trial for violations of the Lomé Peace Agreement. Calling on the leadership of RUF to immediately and unconditionally respect the commitments made, he held that Mr. Sankoh could no longer be considered a partner of the peace process under any circumstances, by virtue of his personal responsibility for the recent events that had occurred in Sierra Leone.⁵³

The representative of Mali declined to support the resolution, pointing out that by calling into question one of the States of ECOWAS, namely Liberia, the resolution had faulted the growing working relationship between the Council and ECOWAS. Given that the investigation by ECOWAS into the diamond trade had not been completed, he added that the reference to Liberia was of concern to ECOWAS and noted that it might have implications for the role of ECOWAS in the peace process.⁵⁴

At the same meeting, the President (Jamaica) drew the attention of the Council to a draft resolution,⁵⁵ submitted by the United Kingdom; it was put to a vote and was adopted by 14 votes to none, with 1 abstention (Mali), as resolution 1306 (2000), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Decided that all States should take the necessary measures to prohibit the direct or indirect import of all rough diamonds from Sierra Leone to their territory;

Requested the Government of Sierra Leone to ensure that an effective certificate-of-origin regime for trade in diamonds was in operation in Sierra Leone;

Also requested States, relevant international organizations and other bodies in a position to do so to offer assistance to the Government of Sierra Leone to facilitate the full operation of an effective certificate-of-origin regime for Sierra Leone rough diamonds;

Decided that rough diamonds controlled by the Government of Sierra Leone through the certificate-of-origin regime should be exempt from the measures imposed in paragraph 1 of the resolution when the Committee reported to the Council;

Decided that the measures referred to in paragraph 1 are established for an initial period of 18 months, and affirmed that, at the end of this period, it would review the situation in Sierra Leone;

Requested all States to report to the Committee established by resolution 1132 (1997), within 30 days of the adoption of the present resolution, on the actions taken to implement the measures imposed by paragraph 1 of the resolution;

Requested the Committee to hold an exploratory hearing in New York no later than 31 July 2000 to assess the role of diamonds in the Sierra Leone conflict and the link between trade in Sierra Leone diamonds and trade in arms and related materiel in violation of resolution 1171 (1998);

Decided to conduct a first review on the measures imposed by paragraph 1 of the resolution no later than 15 September 2000, and further such reviews every six months after the date of adoption of the resolution;

Requested the Secretary-General, in consultation with the Committee, to establish a panel of experts, for an initial period of four months, consisting of no more than five members.

**Decision of 17 July 2000 (4173rd meeting):
statement by the President**

At the 4173rd meeting, on 17 July 2000, the President (Jamaica) made a statement on behalf of the Council,⁵⁶ by which the Council, *inter alia*:

Expressed its full support for the decision taken by the Secretary-General to mount a military operation by UNAMSIL to relieve its surrounded peacekeepers and military observers at Kailahun;

Expressed its satisfaction at the successful outcome of the operation and its admiration for the professionalism, determination and robustness displayed by UNAMSIL forces involved in this difficult and dangerous operation;

Expressed its profound condolences to the family of the Indian sergeant, Krishna Kumar, who gave his life in the cause of peace; and Expressed also its sympathies to those who were wounded.

⁵⁶ S/PRST/2000/24.

⁵² *Ibid.*, p. 6.

⁵³ *Ibid.*, pp. 9-10.

⁵⁴ *Ibid.*, pp. 5-6.

⁵⁵ S/2000/635.

**Decision of 4 August 2000 (4184th meeting):
resolution 1313 (2000)**

On 19 May 2000, the Secretary-General submitted a report on UNAMSIL.⁵⁷ In his report, the Secretary-General observed that the overall situation in Sierra Leone remained tense and critical, particularly in the light of the deliberate and unprovoked attacks by RUF fighters on United Nations peacekeepers and the detention of large numbers of United Nations personnel. He demanded that the leadership of RUF take urgent steps to ensure that all remaining United Nations personnel in their hands were released immediately and unconditionally and called upon those with influence on RUF to continue to work towards this end. In addition, he called upon the Security Council to consider a strengthening of the sanctions regime, including measures which would prevent the RUF commanders from reaping the benefits of their illegal exploitation of mineral resources, in particular diamonds. Finally, he recommended an increase in the strength of UNAMSIL up to a level of 16,500 military personnel for the purpose of stabilizing the situation in Sierra Leone.

On 31 July 2000, the Secretary-General submitted another report on UNAMSIL,⁵⁸ reiterating that the situation in Sierra Leone remained dangerous and volatile, he observed that, under the present circumstances, peace and stability in the country could not be achieved through either political or military means only, but through a collective approach, concentrating efforts for a political solution based on a robust and credible military presence. He therefore recommended the extension of the mandate of UNAMSIL for another period of six months.

At its 4184th meeting, on 4 August 2000, the Council included in its agenda the above-mentioned reports of the Secretary-General. At the meeting, in which the representative of Sierra Leone was invited to participate, the President (Malaysia) drew the attention of the Council to a letter dated 24 July 2000 from the representative of Sierra Leone transmitting an address by the President of Sierra Leone announcing, *inter alia*, that he would soon order the establishment of a code of

conduct for the Armed Forces;⁵⁹ and a letter dated 2 August 2000 from the Secretary-General addressed to the President of the Security Council informing the Council that he had appointed a panel of experts pursuant to paragraph 19 of resolution 1306 (2000) to collect information on possible violations of the measures imposed by paragraph 2 of resolution 1171 (1998) and the link between trade in diamonds and trade in arms and related materiel, and to consider the adequacy of air traffic control systems in the region.⁶⁰

The President also drew the attention of the Council to a draft resolution;⁶¹ it was put to the vote and adopted unanimously and without debate as resolution 1313 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMSIL until 8 September 2000;

Considered that the widespread and serious violations of the Lomé Peace Agreement (S/1999/777) by RUF since early May 2000 constituted a breakdown of the prior generally permissive environment based on the Agreement and predicated on the cooperation of the parties, that until security conditions had been established allowing progress towards the peaceful resolution of the conflict in Sierra Leone there would continue to be a threat to UNAMSIL and the security of the state of Sierra Leone, and that, in order to counter that threat, the structure, capability, resources and mandate of UNAMSIL required appropriate strengthening;

Recognized that the RUF offensive against UNAMSIL since May 2000 revealed serious inherent weaknesses in the Mission's structure, command and control and resources as referred to in the report of the Secretary-General of 31 July 2000, reflecting findings of the United Nations assessment mission which visited Sierra Leone from 31 May to 8 June 2000; welcomed the recommendations made and action already taken to address these deficiencies; and requested the Secretary-General to take further urgent steps to implement these recommendations to improve the performance and capacity of the mission.

**Decision of 14 August 2000 (4186th meeting):
resolution 1315 (2000)**

At its 4186th meeting, on 14 August 2000, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 31 July 2000.⁶² At the meeting, in which the representative of Sierra

⁵⁷ S/2000/455, submitted pursuant to resolution 1289 (2000).

⁵⁸ S/2000/751, submitted pursuant to resolution 1289 (2000).

⁵⁹ S/2000/727.

⁶⁰ S/2000/756.

⁶¹ S/2000/764.

⁶² S/2000/751.

Leone was invited to participate, the President (Malaysia) drew the attention of the Council to a letter dated 9 August 2000 from the representative of Sierra Leone, transmitting a letter by the President of Sierra Leone requesting the Council to initiate a process to set up a special court for Sierra Leone to try those members of RUF and their accomplices responsible for committing crimes against the people of Sierra Leone and for taking United Nations peacekeepers hostage.⁶³ The President of the Council then drew the attention of the Council to a draft resolution;⁶⁴ it was put to the vote and adopted unanimously and without debate as resolution 1315 (2000), by which the Council, *inter alia*:

Requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court consistent with the resolution;

Recommended that the subject matter jurisdiction of the special court should include notably crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone;

Recommended further that the special court should have personal jurisdiction over persons who bore the greatest responsibility for the commission of the crimes referred to in paragraph 2, including those leaders who, in committing such crimes, had threatened the establishment of and implementation of the peace process in Sierra Leone;

Requested, in this connection, that the Secretary-General, if necessary, send a team of experts to Sierra Leone as may be required to prepare the report referred to in paragraph 6;

Requested the Secretary-General to submit a report to the Security Council on the implementation of the resolution, in particular on his consultations and negotiations with the Government of Sierra Leone concerning the establishment of the special court, including recommendations, no later than 30 days from the date of the resolution.

**Decisions of 5 and 20 September 2000
(4193rd and 4199th meetings): resolutions
1317 (2000) and 1321 (2000)**

At its 4193rd and 4199th meetings, on 5 and 20 September 2000, respectively, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 24 August 2000.⁶⁵ In his report,

following the decision contained in resolution 1313 (2000) to reinforce the military component of UNAMSIL through the provision of a strengthened force reserve, the Secretary-General, after consultations with the troop-contributing countries, provided a description of the tasks that would be required of UNAMSIL in the environment prevailing in Sierra Leone, its concept of operations and the necessary resources. In order for the Mission to enhance its operational structure and overall effectiveness and to deploy progressively forward in strength to key areas in Sierra Leone, the Secretary-General recommended that the Council authorize an increase in the Mission's military strength to a level of 20,500 military personnel, including 260 military observers, to enable it to achieve the first two phases of forward deployment. The Secretary-General believed that, in the present circumstances, the Mission's priority tasks, as indicated in resolution 1313 (2000), could largely be achieved under its current mandate, based on resolutions 1270 (1999) and 1289 (2000), and robust rules of engagement, provided that the Mission received the necessary resources and support from Member States. He therefore expressed his intention to keep the security, political and humanitarian situation in Sierra Leone under close review, leaving open the option to revert again to the Council with any additional recommendations, including the possibility of further strengthening the Force and/or its mandate, should this be required to reach the international community's objectives in Sierra Leone. Finally, in view of the proposed increase in the United Nations military presence in Sierra Leone, the Secretary-General called upon Member States to support UNAMSIL, in particular those able to provide specialized support units or those that have the capacity to train, equip or provide other support to current and future UNAMSIL troops.

At those meetings, in which the representative of Sierra Leone was invited to participate, the Council adopted resolutions 1317 (2000) and 1321 (2000) extending the mandate of UNAMSIL, in total until 31 December 2000. By resolution 1321 (2000), the Council also decided to review the situation no later than 31 October.

⁶³ S/2000/786.

⁶⁴ S/2000/789.

⁶⁵ S/2000/832, submitted pursuant to resolution 1313 (2000). At its 4199th meeting, the Council also included in its agenda an addendum concerning the financial

implications of the increase in the strength of the Mission (S/2000/832/Add.1).

Decision of 3 November 2000 (4216th meeting): statement by the President

At its 4216th meeting, on 3 November 2000, the Council included in its agenda the report of the Security Council mission to Sierra Leone dated 16 October 2000,⁶⁶ and the report of the Secretary-General on UNAMSIL dated 31 October 2000.⁶⁷

In its report, the Council reported on its mission to Sierra Leone from 7 to 14 October and made a number of recommendations, including for the intensification of the momentum of the peace process, aimed at an early ceasefire throughout the territory of Sierra Leone; the strengthening of UNAMSIL in terms of numbers, effectiveness and capability, as recommended by the Secretary-General in his report dated 24 August 2000, taking advantage of the offers of further troops from, inter alia, ECOWAS countries; a well-coordinated and comprehensive approach, based on credible military pressure, including a dialogue with the rebels leading to their disarmament, demobilization and reintegration, justice and reconciliation, humanitarian assistance, and the economic and social rehabilitation of Sierra Leone; the establishment of a continuous United Nations-based mechanism for overall coordination, including a process of consultation through some form of structure, between the Security Council and the Secretariat, ECOWAS, UNAMSIL troop-contributing countries and the Government of Sierra Leone.

In his report dated 31 October 2000, the Secretary-General observed that, following the decision by the Governments of India and Jordan to withdraw their contingents from the Mission, it was important to avoid any security gaps in Sierra Leone. He therefore added that in the phase of overlap between the deployment of incoming and outgoing units, a temporary increase in the short term of the Mission's troop strength over the authorized level of 13,000 military personnel was needed. Sharing the observations of the Security Council mission that the challenges in Sierra Leone required a well-coordinated and comprehensive approach, the Secretary-General noted that a key aspect of this approach was the continued provision of security by UNAMSIL in key areas of the country. In order to achieve this objective

without exposing its troops to undue risks, he therefore observed that UNAMSIL would require an increase in its authorized strength to the level of 20,500 all ranks, as recommended in his previous report. In this regard, however, he reported that, after approaching a number of Governments to ascertain their willingness to provide the necessary troops and equipment, it appeared that the offers received were barely enough to compensate for the loss of the capabilities provided by the Indian and Jordanian contingents. He therefore concluded that, unless additional troop contributors were quickly identified, it would not be possible to envisage the further strengthening of UNAMSIL well into the year 2001, with the chance of undermining the credibility of the international community's military presence in Sierra Leone. Stressing that this could have negative repercussions for Sierra Leone, he therefore appealed to Member States to urgently consider participating in UNAMSIL with troops and/or equipment, while in the meantime, the implementation of the Mission's current mandate, in particular its deployment on the ground, would be adjusted in the light of the available resources.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President (Netherlands) made a statement on behalf of the Council,⁶⁸ by which the Council, inter alia:

Supported efforts to strengthen the State institutions of Sierra Leone; underlined the importance of RUF relinquishing control of the diamond producing areas, full freedom of movement of UNAMSIL leading to its deployment throughout the country, and demobilization of all non-governmental forces;

Reiterated its firm intention to take action to strengthen UNAMSIL at the appropriate time, taking into account the readiness of troop-contributing countries to provide sufficient forces to this end.

Decision of 22 December 2000 (4253rd meeting): resolution 1334 (2000)

At its 4253rd meeting, on 22 December 2000, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 15 December 2000.⁶⁹ In his report, the Secretary-General observed that, despite some positive developments which included the signing on 10 November of the Abuja ceasefire agreement between RUF and the Government

⁶⁶ S/2000/992.

⁶⁷ S/2000/1055, submitted pursuant to resolution 1289 (2000).

⁶⁸ S/PRST/2000/31.

⁶⁹ S/2000/1199, submitted pursuant to resolution 1289 (2000).

of Sierra Leone, the situation in the country remained precarious. Reiterating the recommendations contained in his previous reports to increase the Mission's military strength to a level of 20,500 personnel, the Secretary-General suggested in the meantime the extension of the Mission's mandate for a further period of three months, which would allow the Mission to complete its consolidation phase and to respond to the requirements of the Abuja ceasefire agreement.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President (Russian Federation) drew the attention of the Council to a draft resolution;⁷⁰ it was put to the vote and adopted unanimously and without debate as resolution 1334 (2000), by which the Council, *inter alia*:

Expressed its continued concern at the continuing fragile situation in Sierra Leone and neighbouring States;

Recalled that the main objectives of UNAMSIL remained to assist the efforts of the Government of Sierra Leone to extend State authority, restore law and order and further stabilize the situation progressively throughout the entire country and to assist in the promotion of the political process, leading to a renewed disarmament, demobilization and reintegration programme where possible, and reiterated that, to that end, the structure, capability, resources and mandate of UNAMSIL required appropriate strengthening; strongly urged all States in a position to do so seriously to consider contributing peacekeeping forces for Sierra Leone;

Decided to extend the mandate of UNAMSIL until 31 March 2001.

Deliberations of 25 January 2001 (4264th meeting)

At its 4264th meeting, on 25 January 2001, the Council included in its agenda a note by the President of the Security Council dated 20 December 2000,⁷¹ transmitting the report of the Panel of Experts established pursuant to resolution 1306 (2000) to collect information on possible violations of the measures imposed by paragraph 2 of resolution 1171 (1998) and the link between trade in diamonds and trade in arms and related materiel as well as the adequacy of air traffic control systems in the region. In the report, noting with concern that Security Council resolutions on diamonds and weapons were being broken with impunity, the Panel of Experts made a variety of specific recommendations dealing with

diamonds, weapons and the use of aircraft for sanctions-busting and the movement of illicit weapons. Many of these recommendations and the problems addressed related to the primary support given to RUF by Liberia, particularly its President, its Government and the individuals and companies associated with it. With regard to diamonds, the Panel observed that diamonds had become an important resource for RUF in sustaining and advancing its military ambitions and that, as long as no controls were in place in neighbouring countries, RUF would continue to move their diamonds out with impunity. For this reason, the Panel *inter alia* recommended that, in order to better regulate the flow of rough diamonds from producing countries, a global certification scheme based on the system currently adopted in Sierra Leone be set up. In the short run, and in the absence of a global system, the Panel further recommended that certification systems, similar to that adopted by Sierra Leone, be required of all diamond-exporting countries in West Africa and that a complete embargo be imposed on all diamonds from Liberia until Liberia demonstrated convincingly that it was no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone. With regard to arms trafficking, the Panel found unequivocal and overwhelming evidence that Liberia had been actively supporting RUF at all levels, in providing training, weapons and related materiel, logistical support, a staging ground for attacks and a safe haven for retreat and recuperation, and for public relations activities. With regard to air traffic control, the Panel *inter alia* observed that regional air surveillance capacities were weak or totally inadequate in detecting, or in acting as a deterrent to the arms merchants supplying Liberia and RUF. Weak airspace surveillance in the region in general, and abusive practices with regard to aircraft registration, created a climate in which arms traffickers operated with impunity. The Panel therefore suggested that the Security Council consider ways in which air traffic control and surveillance in West Africa could be improved, with a view to curtailing the illicit movement of weapons. In addition to the foregoing, the Panel offered a number of other recommendations, including: (1) the set up of a travel ban by all United Nations Members similar to that already imposed on senior Liberian officials and diplomats by the United States until such time as Liberia's support to RUF and its breaking of other United Nations sanctions ended conclusively; (2) the set up of a temporary embargo on Liberian timber exports, until Liberia demonstrated

⁷⁰ S/2000/1224.

⁷¹ S/2000/1195.

convincingly that it was no longer involved in the trafficking of arms, or diamonds from, Sierra Leone; and (3) the creation of a capacity within the United Nations Secretariat for ongoing monitoring of Security Council sanctions and embargoes.

At the meeting, the President (Singapore) drew the attention of the Council to a note by the President of the Security Council enclosing a letter dated 21 December 2000 from the Permanent Observer of Switzerland that set out the measures that Switzerland had taken regarding the issue of conflict diamonds;⁷² letters dated 28 December 2000 and 23 January 2001, respectively, from the representative of the Gambia contesting some allegations included in the report of the Panel of Experts;⁷³ a letter dated 3 January 2001 from the representative of Liberia countering some allegations against Liberia included in the report of the Panel of Experts, requesting to be invited to the Council's discussion on the report, and informing the Council of its intention to make a proposal for the Council's consideration;⁷⁴ and a letter dated 24 January 2001 from the representative of Liberia addressed to the Secretary-General, transmitting a letter from the President of Liberia.⁷⁵

Following a briefing by the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, statements were made by all members of the Council, as well as by the representatives of Belgium, Burkina Faso, Canada, Côte d'Ivoire, the Gambia, Guinea, Liberia,⁷⁶ the Niger, Sierra Leone and Sweden (on behalf of the European Union⁷⁷) and the Permanent Observer of Switzerland.

In his briefing, the Chairman of the Committee established pursuant to resolution 1132 (1997) introduced the aforementioned report of the Panel of Experts. Recalling that the report offered specific and general recommendations of a procedural and systemic nature, the Chairman stressed that a comprehensive

approach was needed to address the situation in Sierra Leone that would involve actors other than the Council and urged the Council to put emphasis on follow-up action to the recommendations.⁷⁸

During the debate, many speakers welcomed and endorsed the report of the Panel of Experts, noting with concern the role of the Government of Liberia in fuelling the conflict in Sierra Leone, both by financial and military support.⁷⁹ By contrast, some delegations expressed reservations concerning the report and highlighted what they viewed as problems with the report. The representative of the Russian Federation held that some of the Panel's recommendations were too radical and went beyond the mandate of the Panel as decided by the Council. Further, he lamented that there were no recommendations on how to enhance the effectiveness of the Sierra Leone sanctions regime, including within the context of the Organization of African Unity and ECOWAS.⁸⁰ The representative of Ukraine maintained that a number of the Panel's recommendations should be looked at from the point of view of their consistency, both with the original mandate of the Panel and the work being done in other specific competent forums.⁸¹ The representative of Burkina Faso and the Permanent Observer of Switzerland also expressed concerns about the report, particularly with regard to some allegations made by the report regarding the role and involvement of their countries.⁸² Similarly, the representative of the Gambia expressed concern at the allegations contained in the report, referring to them as baseless and malicious, particularly since the Panel had not visited the Gambia.⁸³

Concerning the Panel's recommendations on diamonds, several speakers expressed support for the recommendation that a global certification scheme, based on the system adopted in Sierra Leone, should be endorsed. The representative of Sweden also supported

⁷² S/2000/1232.

⁷³ S/2001/8 and S/2001/74.

⁷⁴ S/2001/6.

⁷⁵ S/2001/78.

⁷⁶ Liberia was represented by its Minister for Foreign Affairs.

⁷⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁷⁸ S/PV.4264, pp. 2-4.

⁷⁹ *Ibid.*, pp. 4-6 (United Kingdom); pp. 7-8 (France); pp. 9-11 (Colombia); pp. 15-17 (United States); pp. 17-18 (Mauritius); pp. 20-21 (Norway); pp. 21-22 (Singapore); S/PV.4264 (Resumption 1), pp. 2-3 (Sweden on behalf of the European Union); and p. 5 (Guinea).

⁸⁰ S/PV.4264, pp. 12-13.

⁸¹ *Ibid.*, pp. 18-19.

⁸² S/PV.4264 (Resumption 1), pp. 4-5 (Switzerland); and pp. 6-7 (Burkina Faso).

⁸³ *Ibid.*, pp. 7-8.

coordinated action in order to establish national certification schemes in the region.⁸⁴ The representative of the Russian Federation expressed doubts about the six-month period proposed in the report for establishing and introducing the certification regimes as well as on the financing of such measures. He added that his delegation found it totally unacceptable that the report attempted to raise the question of establishing an international certification system for rough diamonds, as the question was being discussed in the intergovernmental negotiation process and the Panel of Experts had not been authorized by the Council to make recommendations in favour of the position of any one party in that dialogue.⁸⁵

Concerning the Panel's recommendations on arms trafficking, particularly the flow of small arms into West Africa, a number of speakers pointed to the need for producing countries to exert better control over their weapons exports.⁸⁶ The representative of the United Kingdom, stressing the importance of thorough checks on the proposed end use of arms exports at the time of licensing.⁸⁷ The representatives of Jamaica and Sweden noted their support for the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons in West Africa⁸⁸ and held that it deserved support from the international community.⁸⁹ The representative of Colombia held that the Council should reinforce international measures to limit the inflow of weapons into West Africa. Arms-producing countries, he noted, should be the first to monitor transactions destined for conflict areas, areas under moratorium and those subject to a Security Council embargo.⁹⁰ The representative of Tunisia expressed support for the recommendation of Burkina Faso, endorsed by the Panel, that the Council should supervise the import of all weapons into Burkina Faso for a three-year period.⁹¹

⁸⁴ *Ibid.*, p. 2.

⁸⁵ S/PV.4264, p. 13.

⁸⁶ *Ibid.*, p. 5 (United Kingdom); p. 7 (Jamaica); p. 8 (France); p. 10 (Colombia); and p. 11 (Tunisia).

⁸⁷ *Ibid.*, p. 5.

⁸⁸ See S/1998/1194.

⁸⁹ S/PV.4264, p. 7 (Jamaica); and S/PV.4264 (Resumption 1), p. 2 (Sweden on behalf of the European Union).

⁹⁰ S/PV.4264, p. 10.

⁹¹ *Ibid.*, p. 11.

Concerning the Panel's recommendations on air traffic control, the representative of Colombia held that the Council must ask for a more transparent regime of ships and planes in those areas that used flags of convenience. He also held that the International Civil Aviation Organization (ICAO) should be more active in providing countries with the necessary equipment, including the possible deployment of monitors at airports at critical points.⁹² The representative of Ireland noted that his Government would strongly welcome increased collaboration between the relevant actors and bodies such as ICAO, the World Customs Organization and INTERPOL.⁹³

With regard to the recommendation by the Panel for enhanced capacity within the United Nations Secretariat for supporting the Council and the sanctions committees on all aspects of sanctions, several delegations agreed with the proposal.⁹⁴ The representative of the United Kingdom expressed the view that this support could include action to profile arms brokers and intermediaries responsible for supplying weapons to RUF.⁹⁵ The representative of Canada held that monitoring arrangements should remain in place for the duration of each targeted sanctions regime and, moreover, urged the Council to consider putting in place a standing and integrated monitoring arrangement that would operate with reference to sanctions regimes and related issues.⁹⁶

Speakers also commented on a draft resolution before the Council, co-sponsored by the United Kingdom and the United States, which would impose, under Chapter VII of the Charter, a range of measures on Liberia designed to put effective pressure on President Taylor and his associates. The representative of the United Kingdom, presenting the draft resolution, added that such measures, which included a ban on Liberian rough diamonds, a ban on flights by Liberian registered aircraft, a new arms embargo, a selective travel ban on senior Liberian officials and a ban on the import of Liberian timber, had been carefully crafted to have minimal consequences for the people of Liberia, while making Liberian support for RUF more difficult. He recalled that the draft resolution made clear that

⁹² *Ibid.*, p. 10.

⁹³ *Ibid.*, p. 14.

⁹⁴ *Ibid.*, p. 5 (United Kingdom); p. 6 (Jamaica); pp. 10-11 (Colombia); and p. 11 (Tunisia).

⁹⁵ *Ibid.*, p. 5.

⁹⁶ S/PV. 4264 (Resumption 1), pp. 3-4.

sanctions would be lifted as soon as the Council saw an end to Liberian financial and military support for RUF in Sierra Leone and armed rebel movements in other neighbouring countries.⁹⁷ Other speakers, including the representatives of the United States, France, Norway, Guinea, Ireland, Mauritius, Singapore, Sweden and Canada expressed support for the proposed measures.⁹⁸ The representative of the United States, stressing that the proposed sanctions would not adversely affect the people of Liberia, stated that the proposed measures mirrored steps that had been recommended in the report of the Panel of Experts.⁹⁹ Noting that the most urgent task was to take concrete measures to effectively curb the illegal diamond trade and the illicit flows of and trafficking in arms so as to reduce the negative effects of these two phenomena on peace in Sierra Leone, the representative of China held the view that any sanctions imposed would have to be well targeted, have a time limit and avoid all possible negative humanitarian effects.¹⁰⁰ The representative of France, echoed by the representative of Canada, stressed that sanctions should be “motivational” rather than punitive, and linked to precise criteria for lifting them.¹⁰¹ The representative of the Russian Federation held that it was essential to further analyse all factors involved and to take into account the views of ECOWAS on the matter.¹⁰²

The representative of Sierra Leone, considering the findings of the report to be credible and its recommendations far-reaching but viable, noted that his delegation agreed with the experts that based on unequivocal and overwhelming evidence, Liberia had been providing RUF with military and other types of assistance to carry out and prolong the conflict in Sierra Leone. He urged the Council to consider endorsing the recommendations of the Panel in a binding resolution under Chapter VII of the Charter and drew attention to widespread calls on the Council

to change the mandate of UNAMSIL from peacekeeping to peace enforcement.¹⁰³

The Minister for Foreign Affairs of Liberia noted that his country had serious reservations on the report of the Panel of Experts and denied any connection between Liberia and the illicit trade of Sierra Leone diamonds. He defined as unfair and erroneous the Panel’s conclusion that Liberia was the primary supplier of arms received by RUF. He elaborated on various initiatives taken to address the concerns of the international community, including those of ECOWAS, with regard to the problem in Sierra Leone and noted that the Government of Liberia had decided to seek the assistance and cooperation of the United Nations in putting into place an appropriate mechanism for the control and monitoring of the diamond trade. He elaborated on his Government’s proposal in that regard.¹⁰⁴

**Decision of 30 March 2001 (4306th meeting):
resolution 1346 (2001)**

At its 4306th meeting, on 30 March 2001, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 14 March 2001.¹⁰⁵ In his report, the Secretary-General observed that while the situation in Sierra Leone had remained relatively stable since the signing of the Abuja Agreement, deep concerns remained about the continuing incursions and violence at the borders of Guinea, Liberia and Sierra Leone. Recalling that a key objective of the peace process in Sierra Leone remained to end, as soon as possible, the RUF rebellion, to extend the legitimate authority throughout the country, to disarm and demobilize combatants, and also to allow the rebels to pursue political objectives in a democratic process, the Secretary-General noted that the two-track approach, which had been endorsed by the Security Council, continued to offer the best chances of achieving a durable peace through a combination of a strong military deterrent and a political dialogue between the parties to the Abuja Agreement. Concluding that the forward deployment of UNAMSIL in sufficient strength was an indispensable element in that approach, he recommended that the authorized strength of the Mission be increased to

⁹⁷ S/PV.4264, pp. 5-6.

⁹⁸ Ibid., p. 8 (France); p. 14 (Ireland); p. 16 (United States); p. 18 (Mauritius); p. 21 (Norway, Singapore); S/PV. 4264 (Resumption 1), p. 2 (Sweden on behalf of the European Union); p. 3 (Canada); and p. 5 (Guinea).

⁹⁹ S/PV.4264, p. 16.

¹⁰⁰ Ibid., p. 12.

¹⁰¹ S/PV.4264, p. 8 (France); S/PV.4264 (Resumption 1), p. 3 (Canada).

¹⁰² S/PV.4264, p.13.

¹⁰³ Ibid., pp. 22-24.

¹⁰⁴ Ibid., pp. 24-29.

¹⁰⁵ S/2001/228, submitted pursuant to resolution 1289 (2000).

enable it to begin to discharge some of the tasks identified in resolution 1313 (2000) and the Mission be extended for another six months, until 30 September 2001.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President (Ukraine) drew the attention of the Council to a draft resolution;¹⁰⁶ it was put to the vote and adopted unanimously and without debate as resolution 1346 (2001), by which the Council, *inter alia*:

Decided that the mandate of UNAMSIL should be extended for a period of six months from the date of the adoption of the resolution;

Further decided to increase the military component of UNAMSIL to a strength of 17,500, including the 260 military observers already deployed, as recommended by the Secretary-General in paragraphs 99 and 100 of his report;

Requested the Secretary-General to inform the Council at regular intervals on progress made by UNAMSIL in the implementation of key aspects of its concept of operations, and further requested him to provide an assessment in his next report on steps taken to improve the effectiveness of UNAMSIL;

Expressed its deep concern at the reports of human rights abuses committed by RUF and others, including other military groups, against the civilian population, in particular the harassment and forced recruitment of adults and children for fighting and forced labour;

Demanded that these acts cease immediately, and requested the Secretary-General to ensure all human rights monitoring positions within UNAMSIL were filled in order to address the concerns raised in paragraphs 44 to 51 of the report of the Secretary-General;

Expressed also its deep concern that the Ceasefire Agreement between the Government of Sierra Leone and RUF signed in Abuja on 10 November 2000¹⁰⁷ had not been fully implemented, and demanded that RUF take immediate steps to fulfil its commitments under that Agreement;

Requested the Secretary-General to submit to the Council his views on how to take forward the issue of refugees and internally displaced persons, including their return;

Encouraged the efforts of ECOWAS towards a lasting and final settlement of the crisis in the Mano River Union region caused by the continued fighting in the border areas of Sierra Leone, Guinea and Liberia.

¹⁰⁶ S/2001/293.

¹⁰⁷ S/2000/1091, annex.

Deliberations of 28 June 2001 (4340th meeting)

At its 4340th meeting, on 28 June 2001, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 25 June 2001.¹⁰⁸ In his report, the Secretary-General observed that some positive developments in Sierra Leone over the past two months constituted grounds for cautious optimism, although many challenges remained and considerable efforts needed to be made to maintain the recently achieved momentum. Stressing the need for the United Nations to remain vigilant and continue its efforts to establish security throughout the country, the Secretary-General reported that UNAMSIL was continuing its forward deployment, in particular to the key diamond-producing areas in the east of the country, as well as its robust patrols to all areas, including towards the borders with Guinea and Liberia. Also, the Secretary-General noted that in the months ahead, once UNAMSIL had deployed further, the establishment of State authority and law and order in the diamond-producing areas would be a particular challenge. Observing that UNAMSIL, in particular its civilian police component, could play an enhanced role in providing training and advice to Sierra Leonean law enforcement officials, the Secretary-General reported that he intended to bring the civilian police component of UNAMSIL to its authorized strength of 60 civilian police advisers as soon as possible and to assess whether there was a need to further expand the United Nations role in that regard. Recalling that the Government had requested, through the National Electoral Commission, the support of the United Nations in the electoral process, he stated that preparations were under way, in accordance with the mandate of UNAMSIL, to provide such support. Finally, the Secretary-General reported that, in the light of the progress achieved on the ground, he was in the process of assessing what deployment pattern UNAMSIL should adopt and the overall military strength that may be required in the next phases, which would involve deployment throughout the country and, subsequently, support for the holding of free and fair elections.

At the meeting, following a briefing by the Special Representative of the Secretary-General and Head of UNAMSIL, statements were made by all

¹⁰⁸ S/2001/627, submitted pursuant to resolution 1289 (2000).

Council members, and by the representatives of Nigeria, Pakistan, Sierra Leone and Sweden (on behalf of the European Union).¹⁰⁹

Presenting the report of the Secretary-General,¹⁰⁸ the Special Representative of the Secretary-General noted that despite the fact that some provisions of the Abuja Agreement were not yet implemented, neither the Government of Sierra Leone nor RUF appeared interested in resuming generalized armed conflict. He therefore highlighted several successes, which included the disarmament of the RUF combatants in Kambia district and restoration of Government authority in the region; the removal of roadblocks throughout the country, with a consequent improved humanitarian access; and the release of political prisoners and child combatants. Among the challenges remaining, the Special Representative touched on the need for adequate funding to keep pace with the rapid advancement of the disarmament, demobilization and reintegration programme. He also highlighted progress towards the establishment of a truth and reconciliation commission and the Special Court for Sierra Leone, and appealed for donor support for those endeavours. In stressing the increasing need to focus on political issues, he reiterated the Secretary-General's call to the leaders of the Mano River Union to start, without delay, a political dialogue, and urged the Government of Sierra Leone to assist in transitioning RUF into a political party.¹¹⁰

Speakers unanimously conveyed strong support for the ongoing peace process in Sierra Leone led by UNAMSIL; stressed the importance of free and fair elections in the reconciliation and normalization process in Sierra Leone and encouraged UNAMSIL to actively participate in electoral activities; and, underscoring the importance of the disarmament, demobilization and reintegration programme in the peace process, called for closer cooperation between the Government of Sierra Leone, UNAMSIL and other United Nations bodies. Several members also called for the early establishment of the Truth and Reconciliation Commission and the Special Court for Sierra Leone.¹¹¹

Emphasizing the need to address unrest throughout the subregion, particularly the ongoing violence in neighbouring Liberia, in order to bring a comprehensive and lasting solution to the problems in Sierra Leone; speakers also expressed grave concern at the humanitarian situation in the Mano River region, noting the vast numbers of refugees and internally displaced persons, continuing human rights violations, and the current unrest along the Guinea-Liberia border; and echoed the Secretary-General's appeal to the leaders of the Mano River Union countries to enter into a political dialogue for the purpose of restoring security and stability in the subregion.

**Decision of 18 September 2001
(4374th meeting): resolution 1370 (2001)**

At its 4374th meeting, on 18 September 2001, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 7 September 2001.¹¹² In his report, the Secretary-General, inter alia, recommended the extension of the Mission's mandate for a further period of six months in order to complete the disarmament, demobilization and reintegration programme, continue to assist in the implementation of the Abuja Ceasefire Agreement and support the preparations for the forthcoming national elections.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President (France) drew the attention of the Council to a draft resolution¹¹³ and to a revision to be made to the text; it was put to the vote and adopted unanimously and without debate as resolution 1370 (2001), by which the Council, inter alia:

Decided that the mandate of UNAMSIL should be extended for a period of six months from 30 September 2001;

Requested the Secretary-General to inform the Council at regular intervals on progress made by UNAMSIL in the implementation of key aspects of its concept of operations, and further requested him to provide an assessment in his next report on steps taken to improve the effectiveness of UNAMSIL;

Expressed its continued deep concern at the reports of human rights abuses committed by RUF and others armed groups against the civilian population and demanded that these acts cease immediately;

¹⁰⁹ Sweden was represented by its Secretary of State for Foreign Affairs. The representative of Canada was invited to participate but did not make a statement.

¹¹⁰ S/PV.4340, pp. 2-6.

¹¹¹ *Ibid.*, p. 11 (China); p. 14 (Ireland); p. 16 (United States); p. 18 (Colombia); p. 19 (Mali); p. 20 (France, Jamaica); p. 27 (Nigeria); and p. 28 (Bangladesh).

¹¹² S/2001/857 and Add.1, submitted pursuant to resolution 1346 (2001).

¹¹³ S/2001/874.

Urged RUF to step up its efforts to fulfil its commitment under the Ceasefire Agreement signed in Abuja and to ensure full liberty for the United Nations to deploy its troops throughout the country;

Requested the Secretary-General to submit to the Council his views on how to take forward the issue of refugees and internally displaced persons, including their return;

Encouraged the ongoing efforts of ECOWAS towards a lasting and final settlement of the crisis in the Mano River Union region; urged international organizations and donor countries to support generously the post-conflict activities, including humanitarian and rehabilitation requirements; and decided to remain actively seized of the matter.

**Decision of 19 December 2001
(4442nd meeting): resolution 1385 (2001)**

At the 4442nd meeting, on 19 December 2001, the President of the Security Council (Mali) drew the attention of the Council to a draft resolution;¹¹⁴ it was put to the vote and adopted unanimously and without debate as resolution 1385 (2001), by which the Council, *inter alia*:

Decided that the measures imposed by paragraph 1 of resolution 1306 (2000) should remain in force for a new period of 11 months from 5 January 2002, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the certificate-of-origin regime should continue to be exempt from these measures;

Affirmed that, in addition to its six-monthly review in accordance with paragraph 15 of resolution 1306 (2000), at the end of this period it would review the situation in Sierra Leone, including the extent of the Government's authority over the diamond-producing areas, in order to decide whether to extend these measures for a further period and, if necessary, to modify them or adopt further measures.

**Decision of 16 January 2002 (4451st meeting):
resolution 1389 (2002)**

At its 4451st meeting, on 16 January 2002, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 13 December 2001.¹¹⁵ In his report, the Secretary-General, *inter alia*, outlined the United Nations role in supporting the elections and, in this connection, recommended an increase of the civilian police component of UNAMSIL to advise and support the approximately 6,500 strong

Sierra Leone police force in carrying out its election-related responsibilities.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President of the Security Council (Mauritius) drew the attention of the Council to a draft resolution;¹¹⁶ it was put to the vote and adopted unanimously and without debate as resolution 1389 (2002), by which the Council, *inter alia*:

Decided that, further to paragraph 8 (i) of resolution 1270 (1999), in order to facilitate the smooth holding of elections, UNAMSIL should undertake election-related tasks within the parameters set out in paragraphs 48 to 62 of the Secretary-General's report of 13 December 2001, within its existing mandate, capabilities and areas of deployment and in the light of conditions on the ground;

Authorized the increase in the United Nations civilian police proposed by the Secretary-General in his report of 13 December 2001, encouraged the Secretary-General to request a further increase if appropriate, and endorsed the Secretary-General's recommendation that the United Nations civilian police should perform the following tasks: (a) advise and support the Sierra Leone police in carrying out their election-related responsibilities; (b) assist the Sierra Leone police to devise and implement an electoral training programme for their personnel, focused mainly on establishing security for public events, human rights and police conduct.

**Decision of 28 March 2002 (4500th meeting):
resolution 1400 (2002)**

At its 4500th meeting, on 28 March 2002, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 14 March 2002.¹¹⁷ In his report, the Secretary-General observed that the completion of the disarmament process and the deployment of UNAMSIL throughout the country created a relatively more secure environment, which provided a unique opportunity for Sierra Leone to hold free and fair elections, which he hoped could be conducted in a credible manner and in a reasonably secure and peaceful environment. Noting that the continued engagement of UNAMSIL after the elections would still be indispensable until the security forces of Sierra Leone had the capacity to take full responsibility for the country's security, he recommended that the mandate of the Mission be extended for another six months. Should the security situation in Sierra Leone

¹¹⁴ S/2001/1216.

¹¹⁵ S/2001/1195 and Add.1, submitted pursuant to resolution 1370 (2001).

¹¹⁶ S/2002/68.

¹¹⁷ S/2002/267, submitted pursuant to resolution 1370 (2001).

continue to improve after the elections, the Secretary-General added that adjustments would need to be made to the current strength, composition and deployment of UNAMSIL troops, on the basis of how the post-election situation evolved.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President (Norway) drew the attention of the Council to a draft resolution¹¹⁸ and to an oral amendment to the text, it was put to the vote and adopted unanimously and without debate as resolution 1400 (2002), by which the Council, *inter alia*:

Decided that the mandate of UNAMSIL should be extended for a period of six months from 30 March 2002;

Welcomed the military concept of operations for UNAMSIL for 2002 outlined in paragraph 10 of the Secretary-General's report of 14 March 2002, and requested the Secretary-General to inform the Council at regular intervals on progress made by UNAMSIL in the implementation of its key aspects and in the planning of its subsequent phases.

Decision of 22 May 2002 (4539th meeting): statement by the President

At the 4539th meeting, on 22 May 2002, the President of the Security Council (Singapore) made a statement on behalf of the Council,¹¹⁹ by which the Council, *inter alia*:

Welcomed the elections held in Sierra Leone on 14 May 2002;

Commended the National Electoral Commission and all those responsible for the successful management of the elections, and commended UNAMSIL for their invaluable supporting role;

Noted that the various electoral observation groups were impressed by the Sierra Leonean people's commitment to democracy and their determination to vote;

Called on all political parties and their supporters to work together to strengthen democracy and thereby assure continuing peace;

Considered the elections an important milestone on the road to peace and security in Sierra Leone and the Mano River region;

The next challenge for Sierra Leone and the international community was the further consolidation of peace extension of public services to make real the restoration of government authority throughout the country, the further enhancement of the

¹¹⁸ S/2002/321.

¹¹⁹ S/PRST/2002/14.

operational effectiveness of the security sector, and the effective reintegration of all ex-combatants;

Urged all donors to contribute generously towards providing urgently needed funds to the Special Court and the Truth and Reconciliation Commission.

Decision of 24 September 2002 (4615th meeting): resolution 1436 (2002)

At its 4615th meeting,¹²⁰ on 24 September 2002, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 5 September 2002.¹²¹ In his report, the Secretary-General provided a further assessment of the security situation in Sierra Leone and described the concept for the adjustment of UNAMSIL. In the light of the encouraging developments in Sierra Leone, along with the steady improvement in the security situation in the country, the Secretary-General recommended that the Council consider beginning the drawdown of UNAMSIL. The ultimate objective of the drawdown process, he observed, was to conduct a gradual, phased and deliberate transfer of responsibility for the security of Sierra Leone from UNAMSIL to the Government of Sierra Leone. Stressing that the beginning of the drawdown of UNAMSIL would take the Mission into the final phase of the United Nations peacekeeping operation in Sierra Leone, he recommended that the Security Council approve his proposal for the adjustment and drawdown of UNAMSIL and extend the mandate of the Mission for a further period of six months, in order to facilitate the commencement of the adjustment process.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President of the Security Council (Bulgaria) drew the attention of the Council to a draft resolution;¹²² it was put to the vote and adopted unanimously and without debate as resolution 1436 (2002), by which the Council, *inter alia*:

¹²⁰ At its 4570th meeting, held in private on 11 July 2002, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and by the representative of Mexico, in his capacity as Chairman of the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone; a constructive discussion followed.

¹²¹ S/2002/987.

¹²² S/2002/1062.

Decided that the mandate of UNAMSIL should be extended for a period of six months from 30 September 2002;

Urged UNAMSIL to take responsibility for internal and external security, to complete phases 1 and 2 of the Secretary-General's plan, including the reduction of 4,500 troops within eight months, and requested the Secretary-General to inform the Council at regular intervals on progress made by UNAMSIL in implementing the adjustments and in the planning of subsequent phases;

Reiterated its strong support for the Special Court for Sierra Leone and welcomed the start of its operations.

**Decision of 4 December 2002 (4654th meeting):
resolution 1446 (2002)**

At the 4654th meeting, on 4 December 2002, the President of the Security Council (Colombia) drew the attention of the Council to a draft resolution;¹²³ it was put to the vote and adopted unanimously and without debate as resolution 1446 (2002), by which the Council, acting under Chapter VII of the Charter:

Decided that the measures imposed by paragraph 1 of resolution 1306 (2000) should remain in force for a new period of six months from 5 December 2002, except that, pursuant to paragraph 5 of resolution 1306 (2000), rough diamonds controlled by the Government of Sierra Leone under the Certificate of Origin regime should continue to be exempt from these measures, and affirmed that at the end of this period it would review the situation in Sierra Leone, including the extent of the Government's authority over the diamond-producing areas, in order to decide whether to extend these measures for a further period and, if necessary, to modify them or adopt further measures;

Decided also that the measures imposed by paragraph 1 of resolution 1306 (2000), as extended by paragraph 2, should be terminated immediately if the Council determined that it would be appropriate to do so; decided that the Committee established by resolution 1132 (1997) should continue its consideration of the measures referred to in paragraphs 2, 4 and 5 of resolution 1171 (1998) and present its views to the Council.

**Decision of 28 March 2003 (4729th meeting):
resolution 1470 (2003)**

At its 4729th meeting, on 28 March 2003, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 17 March 2003.¹²⁴ In his report, the Secretary-General presented detailed proposals for the gradual drawdown of the

¹²³ S/2002/1318.

¹²⁴ S/2003/321 and Corr.1, submitted pursuant to resolution 1436 (2002).

Mission guided by progress in the implementation of key security benchmarks and recommended the extension of the UNAMSIL mandate for a further period of six months.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President of the Security Council (Guinea) drew the attention of the Council to a draft resolution;¹²⁵ it was put to the vote and adopted unanimously and without debate as resolution 1470 (2003), by which the Council, *inter alia*:

Decided that the mandate of UNAMSIL should be extended for a period of six months from 30 March 2003;

Urged UNAMSIL, guided by an evaluation of the security situation and the capacity and ability of the Sierra Leonean security sector to take responsibility for internal and external security, to complete phase 2 of the Secretary-General's plan as planned and to embark on phase 3 as soon as practicable thereafter;

Requested the Secretary-General to provide the Council with detailed plans for the remainder of the drawdown once phase 3 was under way, including options for faster and slower withdrawal depending on the security situation and the capacity and ability of the Sierra Leonean security sector to take responsibility for internal and external security;

Called on States, international organizations and non-governmental organizations to continue to support the National Recovery Strategy of the Government of Sierra Leone;

Urged the Presidents of the Mano River Union member States to resume dialogue and to implement their commitments to building regional peace and security, encouraged ECOWAS and Morocco to continue their efforts towards a settlement of the crisis in the Mano River Union region, and expressed its support for the efforts of the International Contact Group on Liberia towards a resolution of the conflict in that country;

Decided to remain actively seized of the matter.

**Decision of 18 July 2003 (4789th meeting):
resolution 1492 (2003)**

At its 4789th meeting, on 18 July 2003, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 23 June 2003.¹²⁶ In his report, in addition to providing an assessment of the prevailing security situation in Sierra Leone and the progress made on the benchmarks that had guided the drawdown of UNAMSIL, the Secretary-

¹²⁵ S/2003/375.

¹²⁶ S/2003/663, submitted pursuant to resolution 1470 (2003).

General also described ongoing efforts to consolidate peace in Sierra Leone, including the activities of the Truth and Reconciliation Commission and the Special Court for Sierra Leone, and the efforts to facilitate national recovery. On the basis of such analysis, the Secretary-General provided three options for the remaining phases of the drawdown process and recommended that the Security Council approve “the modified status quo option”, entailing the modification of the current pace of the drawdown process, with a view to completing the withdrawal of UNAMSIL from Sierra Leone by December 2004.

At the meeting, the President of the Security Council (Spain) drew the attention of the Council to a draft resolution;¹²⁷ it was put to the vote and adopted unanimously and without debate as resolution 1492 (2003), by which the Council, *inter alia*:

Approved the recommendation of the Secretary-General, in paragraph 68 of his report, that the drawdown of UNAMSIL should proceed according to the “modified status quo” option towards withdrawal by December 2004, and welcomed the intention of the Secretary-General to submit additional recommendations to the Council in early 2004 concerning a residual presence of the United Nations;

Decided to monitor closely the key benchmarks for drawdown and requested the Secretary-General to report to the Council at the end of each phase, and at regular intervals, on the progress made with respect to the benchmarks, and to make any necessary recommendations on the planning of subsequent phases of the withdrawal.

Decision of 19 September 2003 (4829th meeting): resolution 1508 (2003)

At its 4829th meeting, on 19 September 2003, the Council included in its agenda the report of the Secretary-General on UNAMSIL dated 5 September 2003.¹²⁸ In his report, after providing an assessment of the security situation and the overall efforts to consolidate peace in Sierra Leone, the Secretary-General reported on the progress made in achieving the

key benchmarks guiding the drawdown of UNAMSIL and in the planning of subsequent phases of the withdrawal. The Secretary-General observed that the further progress achieved towards peace consolidation in Sierra Leone and the overall security environment in the country had enabled UNAMSIL to continue the progressive drawdown of its military component as approved by the Security Council and therefore recommended an extension for a further period of six months. Despite some challenges, the responsibility for national security in some parts of the country, he observed, was being shifted to the Government of Sierra Leone whose efforts aimed at augmenting the overall capacity of its national police and armed forces were encouraging.

At the meeting, in which the representative of Sierra Leone was invited to participate, the President of the Security Council (United Kingdom) drew the attention of the Council to a draft resolution;¹²⁹ it was put to the vote and adopted unanimously and without debate as resolution 1508 (2003), by which the Council, *inter alia*:

Decided that the mandate of UNAMSIL should be extended for a period of six months from 30 September 2003; urged the Government of Sierra Leone to continue to strengthen its control over, and regulation of, diamond mining, including through the High-level Steering Committee;

Noted with serious concern the precarious financial situation of the Special Court for Sierra Leone;

Expressed its strong support for the efforts of ECOWAS towards building peace in the subregion;

Welcomed the deployment of ECOWAS forces to Liberia, supported by UNAMSIL;

Reiterated its demand that armed groups in Liberia refrain from illegal incursions into Sierra Leone;

Welcomed the Secretary-General’s intention to keep the security, political, humanitarian and human rights situation in Sierra Leone under close review and to report to the Council;

Decided to remain actively seized of the matter.

¹²⁷ S/2003/713.

¹²⁸ S/2003/863, submitted pursuant to resolution 1492 (2003).

¹²⁹ S/2003/895.

9. The situation in the Great Lakes region

Deliberations of February 2001 to May 2002 (4273rd, 4323rd and 4532nd meetings)

At its 4273rd meeting, on 7 February 2001, the Security Council heard briefings by the Secretary-General and the President of Rwanda, following which statements were made by all members of the Council.

In his briefing, the Secretary-General pointed out that the Council was meeting to reaffirm its commitment to bringing peace and stability to the Democratic Republic of the Congo. He highlighted the need to address the issues of governance, national dialogue, democracy, accountability and reconciliation in the Democratic Republic of the Congo and in the region. Furthermore, he mentioned the issue of the continued existence of predatory armed groups and he emphasized that those guilty of the worst atrocities of human rights abuses and especially those guilty of genocide should not be allowed to escape unpunished.¹

The President of Rwanda underlined the importance of the Lusaka Ceasefire Agreement peace process and the desire of his country to fulfil its obligation as demanded in that process. He maintained that the core issues that needed to be addressed in order for the Lusaka process to succeed were, first, the inter-Congolese dialogue; secondly, the problem of former Rwandese Armed Forces and Interahamwe and, thirdly, the withdrawal of foreign armies from the Congo. In addition, he maintained that he had no doubt that the Council would continue to play its role in finding a solution to the problems in the region.²

Most speakers called for reconciliation and a peaceful solution to the crisis. They expressed support for the Lusaka Agreement and called for all parties to adhere to it. Several speakers noted the importance of disarming and repatriating members of armed groups in the Democratic Republic of the Congo. Several speakers also expressed concerns about human rights violations in the region.

The representative of the United States stated that the withdrawal of foreign forces from the Democratic Republic of the Congo could not be accomplished through military means. Noting that Rwanda could not secure its long-term security interests via a policy of

military opposition to the Democratic Republic of the Congo, he called for a cooperative relationship based on common interests that would lead to the marginalization of the former Rwandese Armed Forces, Interahamwe and other armed groups. In addition, he urged the President of Rwanda “to ensure that his forces and their Congolese allies respect fully the human and civil rights of the Congolese people”.³

The representative of France opined that relaunching the Lusaka peace process and proceeding to phase II of the deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) required the disengagement and withdrawal of foreign forces from the Democratic Republic of the Congo. He stated that the presence of forces of aggression in the Democratic Republic of the Congo was unacceptable. He furthermore pointed out that there was also concern about information on large-scale plundering of the natural resources of the Democratic Republic of the Congo.⁴

The representatives of Ireland and Norway maintained that the concerns that the President of Rwanda had mentioned could not justify the extent of the Rwandan military presence in the Democratic Republic of the Congo, the representative of Ireland noting that the same reservation applied to the number of troops deployed by other neighbouring countries, regardless of the reasons put forward for their presence.⁵

The representative of the United Kingdom asked whether the President of Rwanda had instructed his armed forces to refrain from any exploitation of the mineral wealth of the Democratic Republic of the Congo and raised the issue of whether he would take action to ensure that child soldiers were not recruited into military activities.⁶

At its 4323rd meeting,⁷ on 30 May 2001, the Council included in its agenda the report of the

³ *Ibid.*, pp. 4-5.

⁴ *Ibid.*, pp. 5-6.

⁵ *Ibid.*, p. 8 (Ireland); and pp. 11-12 (Norway).

⁶ *Ibid.*, pp. 9-10.

⁷ For more information on the discussion at this meeting, see chap. I, part V, case 8, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure.

¹ S/PV.4273, p. 2.

² *Ibid.*, p. 4.

Security Council mission to the Great Lakes region, 15 to 26 May 2001.⁸ The report covered the meetings of the mission with 10 Heads of State across Africa, as well as facilitators, representatives of civil society, and the leaders of several armed groups. It covered developments in the Democratic Republic of the Congo and Burundi, and provided suggestions and recommendations for Council action in these areas.⁹

At the meeting, statements were made by all members of the Council, and the representatives of Burundi, the Democratic Republic of the Congo, Namibia, Rwanda, South Africa and Uganda, as well as the Secretary-General. The President (United States) drew the attention of the Council to a letter dated 24 May 2001 from Zambia, transmitting the text of a communiqué produced at a joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Security Council mission to the Great Lakes region.¹⁰

The representative of France briefed the Council on the mission and emphasized that the role of the United Nations in the Great Lakes region was helping the parties to implement their commitments by having observers on the ground. He stressed that it was not a matter of imposing peace but a matter of helping the parties to implement their own commitments. He discussed, *inter alia*, the progress made in the Lusaka peace process in the Democratic Republic of the Congo and the withdrawal of foreign forces from there, as well as the impasse in Burundi. He also observed that their mission had not simply been to observe events, but it had also contributed to bridging differences, provided for real negotiations on sensitive issues and reminded all the parties of their obligation to respect international law, human rights and international humanitarian law. Furthermore, he stated that the conference of all the States concerned by the conflict in the region needed to take place in order to deal with the matter of security between States in the region and human rights issue, especially minority rights.¹¹

⁸ S/2001/521 and Add.1.

⁹ For more information, see the studies in the present chapter on Burundi (section 6) and the Democratic Republic of the Congo (section 10).

¹⁰ S/2001/525.

¹¹ S/PV.4323, pp. 3-8.

In his briefing, the Secretary-General maintained that the mission's visit to the region demonstrated the importance that the United Nations attached to the peace process in the Democratic Republic of the Congo. He highlighted the urgent challenges in the peace process in the Democratic Republic of the Congo. First, with regard to the humanitarian situation, there was the imperative need to provide additional resources in order to address the emerging requirements of the population. Secondly, with regard to the human rights of civilians, the question of impunity had to be addressed by investigating alleged massacres and other major violations of human rights. He maintained that "without accountability for the most severe crimes, there can be no lasting peace". Thirdly, he raised the issues of child soldiers and the precarious security situation, especially in the east of the country. He concluded that beyond the region, every member of the United Nations family had a role to play in helping to secure the peace and in improving the lives of the Congolese people.¹²

Most speakers welcomed the mission, and stressed that it provided an opportunity to achieve stability in the Democratic Republic of the Congo. They stressed that all of the signatories to the Lusaka Agreement needed to abide by their commitments under the disengagement plans. Several speakers stressed the importance of the inter-Congolese dialogue and of the decision by the Government to allow political parties to participate in it. A number of speakers stressed the importance of rejuvenating economic activity in the Democratic Republic of the Congo. A few speakers also called for an end to illegal exploitation of natural resources in the Democratic Republic of the Congo. Several speakers also welcomed the efforts of the Council mission to provide momentum to the peace process in Burundi, as well as the efforts of the Facilitator of the Burundi peace process, the former President of South Africa, Nelson Mandela.

The representative of the Democratic Republic of the Congo stated that the mission had sent a strong signal and had conveyed the unanimous determination of the Council to move ahead in the peace process, put an end to the "plundering of the wealth" of his country and to take up the question of the massive violations of international humanitarian law that had been taking

¹² *Ibid.*, pp. 9-10.

place since the “aggression began”. He stressed that it was time for the Council to declare that the “war of aggression” was intolerable and that the “occupying forces” needed to immediately return home. He stressed that the authorities of Burundi, Uganda, and Rwanda who were responsible for the flight of thousands of people needed to be brought to justice. Finally, he fully endorsed the idea of an international conference on peace and security in the Great Lakes region.¹³

The representative of Rwanda noted that the arrival in the field of the “most important body of the United Nations” had reinvigorated the Lusaka Peace Agreement and given its signatories a determination to see it succeed. Nevertheless, the disarmament and disengagement of the “negative forces”, which included those who had carried out the genocide in Rwanda, namely, “the Interahamwe militia and the ex-Rwandese Armed Forces, which have been welcomed with open arms on Congolese soil since the time of the Mobutu regime”, continued to be necessary. He stressed that all support provided for those forces needed to come to an end.¹⁴

The representative of Burundi expressed his satisfaction that the Council had been able to hear from the mediator and other leaders in the region about the “danger of total war” in Burundi due to a spillover from the war in the Democratic Republic of the Congo. He stated that through its talks with the two rebel groups in Burundi, the Council had been able to recognize that those groups regarded the ceasefire as the lowest priority. On the role of the region, he maintained that the Council would have recognized that some were committed to helping, while others were still reluctant and kept repeating that there was no infiltration along their borders with Burundi. Some of his country’s neighbours had adopted an attitude that was contrary to the spirit of the Peace Agreement, despite the fact that they had co-sponsored it. Therefore, he called on the Council to act without delay to get assurances from those countries and armed groups that they would cooperate with the Government in settling security issues along their common border. He expressed support for the immediate imposition of sanctions on armed groups and those that supported

them as envisaged in the Arusha process and in the Lusaka process.¹⁵

The representative of Jamaica, echoed by the United Kingdom and Ireland, expressed disappointment that some delegations had used this important milestone in the peace process to be belligerent rather than to seek ways to advance the process.¹⁶

The representative of the United Kingdom observed that while all parties had stated that they would implement the Lusaka Ceasefire Agreement, the Council mission had also “heard nuances from all of them about where they would like to swing Lusaka their way”. He stressed that, while the parties would be tempted to seek advantage from the process, the international community would not be prepared to invest, politically and economically, in that region unless the whole region had stability. There was therefore no point in any one party pursuing its own interests at the expense of its neighbours or of the region as a whole. On Burundi, he noted he was “depressed”, and stated that none of the parties, or the Government, were really contributing as they should to the peace process.¹⁷

At its 4532nd meeting,¹⁸ on 14 May 2002, the Council included in its agenda the report of the Security Council mission to the Great Lakes region, of 27 April to 7 May 2002.¹⁹ In its report, the mission observed that the parties to the Lusaka Ceasefire Agreement, with the help of MONUC, continued to make slow progress in the application of the peace process and made several recommendations aimed at

¹³ Ibid., pp. 10-14.

¹⁴ Ibid., p. 14.

¹⁵ Ibid., p. 18.

¹⁶ S/PV.4323 (Resumption 1), p. 2 (Jamaica); p. 3 (United Kingdom); and p. 12 (Ireland).

¹⁷ Ibid., pp. 2-4.

¹⁸ For more information on the discussion at this meeting, see chap. I, part V, case 10, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedures.

¹⁹ S/2002/537 and S/2002/537/Add.1, which contained a non-paper entitled “International conference on peace, security, democracy and development in the Great Lakes region” submitted by the Council to its interlocutors during its mission and a communiqué issued at the conclusion of the joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Council mission, held in Luanda on 2 May 2002.

facilitating the peace process, including the establishment of a buffer zone to promote the orderly withdrawal of all foreign troops. On Burundi, the mission noted that, while there had been improvements, the fighting had continued. The mission made several recommendations for strengthening the peace process.

At the same meeting, statements were made by the representatives of Burundi, the Democratic Republic of the Congo, France, Rwanda, South Africa, Spain²⁰ and the United Kingdom.

Most speakers welcomed the results of the mission and the progress of the inter-Congolese dialogue, and expressed support for the recommendations of the mission on both the Democratic Republic of the Congo and Burundi.

The representative of France, presenting the report of the Council's third mission to the region, noted the importance, *inter alia*, of the withdrawal of all foreign troops and stressed that the establishment of a transitional government of national unity in Kinshasa would not only help Rwanda deal with its security issues, but would also help MONUC to better discharge its functions. He maintained that progress had been made but the peace process remained fragile. On Burundi he stressed that first and foremost, there needed to be a cessation of hostilities. Secondly, the implementation of reforms during the transition period was indispensable, with or without a ceasefire. Lastly, he emphasized that the assistance of the international community was crucial.²¹

The representative of the Democratic Republic of the Congo welcomed the close involvement of the Council, but stressed that the international community needed to attach greater importance to the economic reconstruction of the Democratic Republic of the Congo and that of the Great Lakes region, following the devastation of four years of a "war of aggression" against his country. He stated that consolidating the peace process could not be done without economic support, as well as bilateral and multilateral activity.²²

²⁰ On behalf of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

²¹ S/PV.4532, pp. 2-5.

²² *Ibid.*, p. 10.

The representative of Rwanda welcomed the fact that the Council had focused its attention on the underlying causes that had prompted Rwanda to "intervene militarily in the Democratic Republic of the Congo by virtue of its natural right of legitimate defence under Article 51. Nonetheless, he stressed that the full implementation of the Lusaka Peace Agreement would reassure Rwanda only if "the perpetrators of the Rwandan genocide" in the Democratic Republic of the Congo no longer had support and had been disarmed and reintegrated. He also stressed that all parties of the inter-Congolese dialogue needed to be considered equal.²³

The representative of South Africa expressed concern that the Council was departing from resolution 1291 (2000) and the intent of the Lusaka Ceasefire Agreement, because paragraph 23 of the report²⁴ could be read to mean that the three armed parties in the Congolese dialogue could reach agreement by themselves and then impose it on the unarmed groups in the Democratic Republic of the Congo. He stressed that the five components of the inter-Congolese dialogue — the Government, the Mouvement de libération du Congo, the Rassemblement congolais pour la démocratie-Goma, and the unarmed groups and civil society — needed to be treated equally.²⁵

The representative of Burundi stated that the achievements of the transitional Government in his country, established six months ago had been broadly positive. However, he stated that the peace process remained fragile, due to the continuation of violence and the wrenching poverty afflicting the population.²⁶

The representative of France noted that, in regard to paragraph 23 of the report, the Council was strictly following the text of the Lusaka Ceasefire Agreement.

²³ *Ibid.*, pp. 13-14.

²⁴ Paragraph 23 of the report (S/2002/537) reads, in part: "The mission trusts that, in accordance with the views expressed by its interlocutors, the Government of the Democratic Republic of the Congo, MLC [Mouvement de libération du Congo] and RCD-Goma [Rassemblement congolais pour la démocratie-Goma] will pursue their talks with a view to reaching a comprehensive and inclusive agreement in accordance with the Lusaka Ceasefire Agreement. Such an agreement might then be endorsed by the parties to the inter-Congolese dialogue, in the presence of the neutral facilitator, Sir Ketumile Masire."

²⁵ S/PV.4532, p. 12.

²⁶ *Ibid.*, p. 14.

However, he also stressed that the situation was in a delicate phase in which there was “risk of the crystallization of two opposing blocks of unequal size, but which could lead to the risk of a partition”. That risk had prompted the mission to stress that it was desirable to promote direct and discreet contact in order to reconcile the points of view and arrive at an inclusive agreement, which would, of course, include civil society and the political parties.²⁷

The representative of the United Kingdom stated that he was convinced that there was a real chance to move forward in resolving the conflict in the Democratic Republic of the Congo and in the Great Lakes region if the inter-Congolese dialogue could be brought to a conclusion that fitted the Lusaka Agreement and the aims of resolution 1291 (2000) and following resolutions. He underlined the need to put all possible influence towards producing a real conclusion to the dialogue and not just “support with rhetoric the words that had been written in resolutions.”²⁸

**Decision of 20 November 2003
(4865th meeting): statement by the President**

At its 4865th meeting,²⁹ on 20 November 2003, the Council included in its agenda a report of the Secretary-General dated 17 November 2003 on preparations for an international conference on the Great Lakes region.³⁰ In his report, the Secretary-General, stressed that the Council’s call for an international conference on the Great Lakes region entailed the recognition of the fact that the internal problems in the region tended to spread because of the close social, economic and cultural links of the inhabitants of the entire region, which was why a regional approach was needed. The purpose of the Conference, under United Nations and African Union partnership, was to begin a process to bring together the leaders of the countries of the Great Lakes region to reach an agreement on a set of principles and launch selected programmes to help end the cycle of conflict and ensure durable peace, democracy and development in the whole region. It would also establish a regional

framework to facilitate the adoption of a stability, security and development pact. He noted that the conference was not a one-time event but a process of several stages and he urged the core countries to focus on the priorities of the conference in order to formulate concrete and feasible policies.

At the meeting, statements were made by the Secretary-General, most members of the Council,³¹ the representatives of Italy (on behalf of the European Union³²), Mozambique (on behalf of the Presidency of the African Union) and the United Republic of Tanzania, as well as the Special Envoy of the Chairperson of the African Union for the Great Lakes region and the Special Representative of the Secretary-General for the Great Lakes region.

Most speakers strongly supported the conference, agreeing that a regional approach was essential to address the crisis affecting the Great Lakes region. They expressed hope that holding the conference would help consolidate the gains that had been made in the recent peace processes in the Democratic Republic of the Congo and Burundi. A number of speakers stressed that the conference would have to be judged on whether it produced concrete measures to ensure a safeguard against a future resurgence of violence, instability, and criminality. Several speakers welcomed the role of the Council in working in the region and expressed support for the various peacekeeping and other missions that were on the ground. A number of speakers also noted the need for sufficient financial support for the conference and called on donors to provide it in a timely manner.

A few speakers stressed that participation in the first round of the conference should be open to all neighbouring States and that no Governments that legitimately wished to take part should be excluded.³³

The Special Envoy of the Chairperson of the African Union for the Great Lakes region noted that although the six core countries had agreed to appoint national coordinators and to set up national preparatory

²⁷ Ibid, pp. 15-16.

²⁸ Ibid., p. 16.

²⁹ For more information on the discussion at this meeting, see chap. X, part IV, with regard to the interpretation or application of the provisions of Chapter VI of the Charter.

³⁰ S/2003/1099.

³¹ The representative of the United States did not make a statement.

³² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³³ S/PV.4865, p. 15 (France); and p. 25 (Cameroon, Germany).

committees, only a few countries had submitted details. Therefore, it might not be possible to hold the regional preparatory meetings due to the lack of input from most of the core countries.³⁴

The Special Representative of the Secretary-General for the Great Lakes region noted that the role of the Security Council was of crucial importance to the conference in terms of providing political guidance in the conference process; giving essential diplomatic support; and in mobilizing the international community.³⁵

At the same meeting, the President made a statement on behalf of the Council,³⁶ by which the Council, *inter alia*:

Welcomed and strongly endorsed the report of the Secretary-General of 17 November 2003;

Stressed also the importance of the participation of all States concerned to ensure the success of the conference on the Great Lakes region;

Encouraged the States in the region to reach early agreement on participation in the conference;

Expressed hope that the full normalization of relations and the implementation of confidence-building measures would also help achieve stability for all countries in the region;

Appealed to the countries of the region and to the international community to provide sustained political and diplomatic support, as well as adequate technical and financial assistance.

³⁴ *Ibid.*, p. 10.

³⁵ *Ibid.*, p. 15.

³⁶ S/PRST/2003/23.

10. The situation concerning the Democratic Republic of the Congo

Decision of 26 January 2000 (4092nd meeting): statement by the President

At its 4092nd meeting,^{1,2} held at a high level on 24 and 26 January 2000, the Security Council heard a briefing by the Secretary-General. Statements were made by most members of the Council,³ the representatives of Algeria, Angola, Belgium, Burundi, the Democratic Republic of the Congo, Portugal (on behalf of the European Union⁴), Mozambique,

Rwanda, South Africa, Uganda, Zambia and Zimbabwe, and the Secretary-General of the Organization of African Unity (OAU)⁵ and the Facilitator of the inter-Congolese dialogue.⁶

The Secretary-General stated that since the signing of the Lusaka Ceasefire Agreement on 10 July 1999,⁷ there had been many ceasefire violations and

Slovakia, Slovenia and Turkey associated themselves with the statement.

⁵ On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

⁶ Angola, the Democratic Republic of the Congo, Mozambique, Rwanda, Uganda, Zambia and Zimbabwe were represented by their respective presidents; Belgium by its Vice Prime Minister and Minister for Foreign Affairs; Burundi, Canada and Namibia by their respective Ministers for Foreign Affairs; France by its Minister Delegate for Cooperation and Francophonie; Mali by its Minister of the Armed Forces; the United Kingdom by its Minister of State for Foreign and Commonwealth Affairs; and the United States by its Secretary of State. The representatives of Brazil, Cape Verde, Colombia, Egypt, Eritrea, India, Israel, Japan, Lesotho, the Libyan Arab Jamahiriya, Norway and the United Republic of Tanzania were invited to participate but did not make statements; some representatives circulated their statements (see S/2000/54).

⁷ See S/1999/815 (letter dated 23 July 1999 from the representative of Zambia to the President of the Security

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 18 and 22 October 2001 (4391st), 4 March 2002 (4483rd), 11 June 2002 (4550th), 19 September 2002 (4612th) and 4 June 2003 (4767th).

² For more information on the discussion at this meeting, see chap. I, part V, case 14, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure; chap. XI, part IV, sect. B, with regard to Article 42 of the Charter; and part IX, sect. B, with regard to Article 51; and chap. XII, part I, sect. B, case 4, with regard to Article 2 (4).

³ The United States circulated its statement (see S/2000/54).

⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania,

that the deployment of United Nations military liaison officers had been obstructed, undermining confidence in the implementation process. He stressed that the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), if given the necessary cooperation and allowed to do its job, could help foster confidence among the parties and keep the peace process on track. Believing that the Lusaka Agreement remained the most viable blueprint for achieving a comprehensive negotiated solution, he stressed that a sustainable solution to the crisis could be found only if the root causes of the conflict were addressed. In that respect, he emphasized the importance of the inter-Congolese negotiations and welcomed the appointment of Sir Ketumile Masire as facilitator of the dialogue. The Secretary-General held that the parties themselves bore primary responsibility for adhering to commitments and creating conditions conducive to progress, whether it related to the political process, military deployments or protection for humanitarian or other United Nations personnel.⁸

The majority of speakers concurred that the Lusaka Agreement remained the most viable framework for achieving long-lasting peace in the Democratic Republic of the Congo and emphasized that the main responsibility for the implementation of the Agreement lay with the signatory parties. The representative of the Democratic Republic of the Congo lamented that the Lusaka Agreement was deadlocked and had failed to achieve its objectives. In his view, the Agreement would not be able to restore peace to the region unless it demanded a real and immediate ceasefire; a deployment of United Nations forces that would systematically replace the troops of the aggressor countries; the immediate and unconditional withdrawal of the uninvited aggressor forces; and, lastly, the positioning of United Nations forces along the borders between the Democratic Republic of the Congo and the aggressor countries.⁹

Deploring the ceasefire violations, a number of speakers stressed the importance of providing resources to the Joint Military Commission to enable it to assist in the disengagement of forces and the

investigation of any ceasefire violations, as stipulated in the Lusaka Agreement.¹⁰

Most speakers agreed with the recommendation made by the Secretary-General in his report dated 17 January 2000,¹¹ to expand the mandate and deploy a second phase of MONUC and called for expeditious actions to be taken by the Security Council. The representative of Zimbabwe deplored the “lethargic manner” in which the Council had responded to the crisis and called upon the body to urgently dispatch peacekeepers.¹² The representative of Zambia expressed concern at the possibility of preconditions such as the perfect implementation of the Lusaka Agreement being imposed before peacekeepers were sent to the Democratic Republic of the Congo, pointing out that no other ceasefire agreement anywhere in the world had been subject to such a test.¹³ The Secretary-General of OAU declared that the perception that the Council had been “hesitant” in mandating the deployment of a force had served to undermine the speedy implementation of the Lusaka Agreement.¹⁴ Similarly, a few representatives urged the Council to authorize the deployment without delay of a United Nations peacekeeping operation.¹⁵ In that context, citing Article 24 of the Charter, the representative of South Africa warned that a delay by the Council in carrying out its fundamental duty could impact negatively on the situation on the ground.¹⁶ For his part, the representative of the Russian Federation indicated that the timing of the deployment of the United Nations mission should respond to the rate of progress in the peace process, and that the mission should be a large-scale peacekeeping operation. The mission would be deployed when the necessary conditions existed, such as respect for the ceasefire and assurances regarding the security of international

Council, transmitting the text and annexes of the Lusaka Ceasefire Agreement).

⁸ S/PV.4092, pp. 5-6.

⁹ *Ibid.*, pp. 11-12.

¹⁰ *Ibid.*, p. 7 (Zambia); p. 17 (Zimbabwe); p. 23 (Rwanda); p. 24 (Secretary-General of OAU); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 2 (South Africa); p. 5 (Belgium); pp. 7-8 (Algeria); p. 12 (Canada); p. 13 (United Kingdom); p. 15 (France); and p. 19 (Tunisia); S/PV.4092 (Resumption 2), p. 2 (Netherlands); p. 6 (Jamaica); and p. 8 (Malaysia).

¹¹ S/2000/30, submitted pursuant to resolution 1279 (1999).

¹² S/PV.4092, pp. 17-18.

¹³ *Ibid.*, p. 8.

¹⁴ *Ibid.*, p. 26.

¹⁵ S/PV.4092 (Resumption 1), p. 2 (South Africa); S/PV.4092 (Resumption 2), p. 8 (Malaysia).

¹⁶ S/PV.4092 (Resumption 1), p. 2.

personnel. In his opinion, the failure of such an operation would have extremely negative consequences for the further development of the situation in the region, and also for the authority of the United Nations and the Security Council.¹⁷ The representative of China declared that the timely deployment of a United Nations peacekeeping operation was an essential guarantee for resolving the conflict. He opined that the Council should accelerate its consideration of the deployment and that the peacekeeping mission should be given an appropriate mandate.¹⁸

A number of speakers advocated that the peacekeeping mission be given a Chapter VII mandate.¹⁹ According to the representative of Uganda, a Chapter VII mandate was required in order to enable the mission to effectively deal with the question of disarmament, demobilization and the protection of civilians.²⁰ In a similar vein, expressing support for the immediate creation of a robust United Nations mission, with a clear mandate and adequate resources, to assist the implementation of the Lusaka Agreement, the representative of Canada also called for the mission's mandate to include "clear and unequivocal" provisions for the protection of civilians under Chapter VII of the Charter.²¹ Several speakers stressed the need for adequate protection for the force.²² In that regard, the representative of the United Kingdom emphasized that the risks associated with peacekeeping operations must be minimized, not only to protect the United Nations personnel, but also to sustain the momentum for the implementation of the Lusaka Agreement.²³

The representative of the Democratic Republic of the Congo argued that the presence of "occupying armies of" Rwanda, Uganda and Burundi in his country was contrary to the principles of the Charter. He declared that, together with its allies in the Southern

African Development Community (SADC), his Government was trying to ensure respect for the principle of the territorial integrity of his country. Underlining the need to halt the "illegal occupation", he questioned whether the Council was justified in relying exclusively on the Lusaka Agreement in trying to re-establish peace.²⁴ In response, the representative of Angola pointed out that his Government had been forced to intervene in the Democratic Republic of the Congo in order to contain the escalation of the war which was taking place close to its own borders.²⁵ Similarly, the representative of Uganda noted that his and other neighbouring countries of the Democratic Republic of the Congo had legitimate security concerns, as recognized in the Lusaka Agreement. Pledging his country's support for the territorial integrity of the Democratic Republic of the Congo, he further endorsed the withdrawal of all foreign troops from that country's territory, in accordance with a timetable to be worked out in accordance to the Lusaka Agreement by the United Nations and OAU.²⁶ The security concerns of neighbouring countries were acknowledged by a number of speakers,²⁷ while others reaffirmed the territorial integrity of the Democratic Republic of the Congo.²⁸

The majority of speakers stressed the importance of national dialogue and in that context expressed their support for Sir Ketumile Masire, the Facilitator of the inter-Congolese dialogue. Believing that an all-inclusive national political dialogue was an effective means to achieve national reconciliation, the representative of China argued that internal dialogue within the Democratic Republic of the Congo could not be achieved without a stable external environment.²⁹

Deploring the failure to organize a conference on security and development in the Great Lakes region in May 1998, the representative of the Democratic Republic of the Congo joined other speakers in

¹⁷ S/PV.4092 (Resumption 2), p. 9.

¹⁸ *Ibid.*, pp. 3-4.

¹⁹ S/PV.4092, p. 11 (Mozambique); p. 18 (Zimbabwe); pp. 20-21 (Uganda); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 11 (Canada); p. 14 (United Kingdom); and p. 17 (Bangladesh); S/PV.4092 (Resumption 2), p. 6 (Jamaica).

²⁰ S/PV.4092, p. 20.

²¹ S/PV.4092 (Resumption 1), p. 11.

²² S/PV.4092, p. 8 (Zambia); S/PV.4092 (Resumption 1), p. 5 (Belgium); p. 14 (United Kingdom); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); and p. 10 (Portugal).

²³ S/PV.4092 (Resumption 1), p. 14.

²⁴ S/PV.4092, pp. 11-13.

²⁵ *Ibid.*, p. 15.

²⁶ *Ibid.*, pp. 19-20.

²⁷ *Ibid.*, p. 22 (Rwanda); S/PV.4092 (Resumption 1), p. 17 (Bangladesh); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); and p. 8 (Malaysia).

²⁸ S/PV.4092, p. 16 (Zimbabwe); p. 20 (Uganda); and p. 30 (Namibia); S/PV.4092 (Resumption 1), p. 9 (Mali); p. 19 (Tunisia); and p. 20 (Argentina); S/PV.4092 (Resumption 2), p. 2 (Netherlands); p. 3 (China); p. 5 (Jamaica); and p. 8 (Malaysia).

²⁹ S/PV.4092 (Resumption 2), p. 4.

supporting the convening of such an international meeting under the joint auspices of the United Nations and OAU.³⁰

At the same meeting, the President (United States) made a statement on behalf of the Council,³¹ by which the Council, *inter alia*:

Expressed its appreciation to the Heads of State and other Government representatives who had participated in its meeting concerning the situation in the Democratic Republic of the Congo on 24 January 2000;

Expected that the progress made at the Maputo Summit of 16 January 2000 and the Harare meeting of the Political Committee of 18 January 2000 would continue at the next Political Committee Meeting and Summit of the Signatories of the Agreement;

Urged all parties to the Lusaka Ceasefire Agreement to build on the momentum of those meetings to create the climate necessary for the full implementation of the Agreement;

Reaffirmed the territorial integrity and national sovereignty of the Democratic Republic of the Congo and reiterated its call for the immediate cessation of hostilities and the withdrawal of all foreign forces;

Welcomed the report of the Secretary-General and expressed its determination to support his recommendation to expand the mandate of MONUC;

Welcomed the arrival of the Special Representative of the Secretary-General in the Democratic Republic of the Congo, expressed its support for his efforts, and urged all parties to assist and cooperate with him;

Called on all signatories of the Lusaka Ceasefire Agreement to provide assurances of safety, security and freedom of movement of United Nations and associated personnel;

Strongly supported the designation of the former President of Botswana, Sir Ketumile Masire, as the Facilitator of the National Dialogue, and called on Member States to provide full financial and other support to his efforts;

Expressed serious concern over the humanitarian situation in the Democratic Republic of the Congo and urged Member States and donor organizations to make available the necessary funds to carry on urgent humanitarian operations.

³⁰ S/PV.4092, p. 13 (Democratic Republic of the Congo); S/PV.4092 (Resumption 1), p. 9 (Mali); p. 16 (France); p. 18 (Bangladesh); p. 19 (Tunisia); and p. 21 (Argentina); S/PV.4092 (Resumption 2), p. 4 (China); p. 6 (Jamaica); p. 7 (Ukraine); pp. 8-9 (Malaysia); p. 9 (Russian Federation); and p. 10 (Portugal).

³¹ S/PRST/2000/2.

Decision of 24 February 2000 (4104th meeting): resolution 1291 (2000)

At its 4104th meeting,³² on 24 February 2000, the Council included in its agenda the report of the Secretary-General on MONUC dated 17 January 2000.³³ In his report, the Secretary-General drew attention to violations of the Lusaka Ceasefire Agreement, the danger of large-scale violence among ethnic groups and the deterioration of the humanitarian situation in the Democratic Republic of the Congo. He reaffirmed that, in order to be effective, any United Nations peacekeeping mission in the Democratic Republic of the Congo, whatever its mandate, would have to be large and expensive and cautioned that the deployment of MONUC would create inflated, even unrealistic, expectations. Noting that the proper implementation of the Lusaka Agreement required very close coordination and cooperation between the United Nations, the parties, the Joint Military Commission and OAU, he commended the regional initiatives undertaken in support of the peace process. Subject to agreement by the parties to taking steps to recommit themselves to the Lusaka Agreement, he recommended the expansion of MONUC. Underlining the necessity of establishing the Joint Military Commission on a permanent basis, he supported the continued efforts to integrate the Commission's activities with those of MONUC. Lastly, the Secretary-General suggested that the inter-Congolese dialogue be conducted under the neutral auspices of the Facilitator with the assistance of OAU.

At the meeting, the President (Argentina) drew the attention of Council members to a number of communications addressed to the President of the Council.³⁴

³² For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2, (4) of the Charter.

³³ S/2000/30, submitted pursuant to resolution 1279 (1999).

³⁴ Letters from the representative of the Democratic Republic of the Congo, dated 28 January 2000 informing the Council of "massacres" taking place in the north-east of the Democratic Republic of the Congo which was occupied by Ugandan forces (S/2000/67); and dated 11 February 2000 transmitting a memorandum of the Government of the Democratic Republic of the Congo on the humanitarian situation in those areas (S/2000/122); two letters from the representative of Uganda, dated 26 January 2000 forwarding a document

Statements were made by a majority of the members of the Council,³⁵ and the representatives of the Democratic Republic of the Congo and Portugal (on behalf of the European Union³⁶).

Most speakers expressed their satisfaction with the draft resolution before the Council,³⁷ viewed as a critical step towards resolving the conflict in the Democratic Republic of the Congo and the Great Lakes region by initiating the second phase of deployment of MONUC. They also noted its timely adoption, coming one day after the conclusion of the Lusaka Summit, in which the parties to the Lusaka Ceasefire Agreement reaffirmed their commitment to the Agreement and approved the revised calendar for its implementation. The speakers also reaffirmed that the main responsibility for the implementation of the Agreement lay with the parties. In that connection, they underlined the need for the parties to cooperate with MONUC and to honour their commitments to provide protection and access to the Mission, and for effective cooperation and coordination between MONUC and the Joint Military Commission.

The representative of Namibia, echoed by the representatives of France and Canada, called the draft resolution a compromise, because it did not authorize the deployment of enough military personnel to adequately monitor the implementation of the Lusaka Agreement.³⁸ The main concern expressed by the representative of Canada was that the draft resolution did not match the Mission's mandate with the resources needed to guarantee its success. He further held that in order to ensure that the United Nations peacekeeping

missions had a fair chance to do their job, efforts should be made not to force configurations on them that might be politically convenient but operationally unsound.³⁹ Recalling the complexity of the conflict in the Democratic Republic of the Congo, the representative of the Russian Federation warned against excessive expectations from the deployment of MONUC, as it would be not only naive but also dangerous to rely on external forces to end the conflict, even if those forces were United Nations forces.⁴⁰ The representative of the Democratic Republic of the Congo announced that, while MONUC would receive a warm welcome in his country, his Government hoped to be consulted at all times about the way MONUC was set up and would retain the right to refuse offers coming from States it did not see as neutral.⁴¹

The representative of the United States maintained that his Government's support for phase II did not constitute prior approval for any future deployment of MONUC. If the United Nations recommended the establishment of a larger United Nations peacekeeping mission, his country would consider such recommendations on their own merits, based on the achievements and the situation in phase II. In his opinion, phase III should begin only after the parties had accomplished specific military and political objectives.⁴² The representative of the Netherlands noted that when, at a later stage, the Council would start its deliberations about phase III, the progress made by the parties would undoubtedly determine the direction of the discussion.⁴³ The representative of Tunisia expressed hope that phase II of the Mission's deployment would take place under positive conditions and acknowledged that additional and sustained efforts would be necessary to permit the launching of phase III on a solid foundation.⁴⁴ For his part, the representative of Canada hoped that phase II of deployment would pave the way to a third phase of "substantial" United Nations peacekeeping in the service of the Congolese.⁴⁵

Reaffirming the importance of firm and credible assurances for the security and freedom of movement

on conflicts in the Great Lakes region by the President of Uganda (S/2000/73), and dated 3 February 2000 by which the Government of Uganda rejected the allegations of genocide in the Democratic Republic of the Congo made by the Democratic Republic of the Congo (S/2000/89); and a note verbale dated 31 January 2000 from the Permanent Mission of South Africa to the United Nations forwarding a letter from its Minister for Foreign Affairs requesting the Council to urgently adopt the draft resolution referred to in the presidential statement of 26 January 2000 (S/2000/81).

³⁵ The representative of Malaysia did not make a statement.

³⁶ Bulgaria, Cyprus, the Czech Republic, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

³⁷ S/2000/143.

³⁸ S/PV.4104, p. 3 (Namibia); p. 4 (France); and p. 7 (Canada).

³⁹ *Ibid.*, p. 7.

⁴⁰ *Ibid.*, p. 8.

⁴¹ *Ibid.*, p. 16.

⁴² *Ibid.*, pp. 12-13.

⁴³ *Ibid.*, p. 9.

⁴⁴ *Ibid.*, p. 10.

⁴⁵ *Ibid.*, p. 7.

of the staff of MONUC, the representative of Argentina saluted the inclusion in the resolution of a provision empowering MONUC, within specific circumstances, to act under Chapter VII of the Charter to protect civilians under imminent threat of physical violence.⁴⁶

A number of speakers also expressed concern at the illegal exploitation of natural resources in the Democratic Republic of the Congo.⁴⁷ A few representatives called attention to the situation in the eastern part of the country, including the possibility of a humanitarian catastrophe in the north and south Kivu areas.⁴⁸ The need to pay urgent attention to an effective disarmament, demobilization, repatriation and reintegration programme was also emphasized by a number of speakers.⁴⁹

At the meeting, the President (Argentina) drew the attention of the Council to a draft resolution;⁵⁰ it was put to the vote and adopted unanimously as resolution 1291 (2000), by which the Council, determining that the situation in the Democratic Republic of the Congo constituted a threat to international peace and security in the region, inter alia:

Decided to extend the mandate of MONUC until 31 August 2000;

Authorized the expansion of MONUC to consist of up to 5,537 military personnel, including up to 500 observers and requested the Secretary-General to recommend immediately any additional force requirements that might become necessary to enhance force protection;

Decided that the phased deployment of personnel referred to in paragraph 4 would be carried out as and if the Secretary-General determined that MONUC personnel would be able to deploy to their assigned locations and carry out their functions as described in paragraph 7 in conditions of adequate security and with the cooperation of the parties, and that he had received firm and credible assurances from the parties to the Ceasefire Agreement to that effect, and requested the Secretary-General to keep the Council informed in that regard;

⁴⁶ Ibid., p. 13.

⁴⁷ Ibid., p. 3 (Namibia); p. 4 (France); p. 5 (United Kingdom); p. 6 (Jamaica); p. 9 (Netherlands); and p. 14 (Argentina).

⁴⁸ Ibid., p. 3 (Namibia); p. 4 (France); p. 5 (United Kingdom); p. 14 (Argentina); and p. 17 (Portugal on behalf of the European Union).

⁴⁹ Ibid., p. 5 (United Kingdom); p. 12 (United States); and p. 16 (Portugal).

⁵⁰ S/2000/143.

Decided that MONUC would establish, under overall authority of the Special Representative of the Secretary-General, a joint structure with the Joint Military Commission that would ensure close coordination during the period of deployment of MONUC, with co-located headquarters and joint support and administrative structures;

Acting under Chapter VII of the Charter of the United Nations, with regard to paragraph 8 below, decided that the Mission might take the necessary action, in the areas of deployment of its infantry battalions and as it deemed within its capabilities, to protect United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment, ensure the security and freedom of movement of its personnel, and protect civilians under imminent threat of physical violence.

**Decision of 5 May 2000 (4135th meeting):
statement by the President**

At the 4135th meeting,⁵¹ on 5 May 2000, the President (China) made a statement on behalf of the Council,⁵² by which the Council, inter alia:

Expressed its grave concern at the renewed fighting between Ugandan and Rwandan forces in Kisangani, the Democratic Republic of the Congo;

Demanded that those latest hostilities cease immediately and that those involved in the fighting at Kisangani reaffirm their commitment to the Lusaka process and comply with all relevant Security Council resolutions;

Considered that those hostilities were in violation of the Lusaka Agreement, the Kampala Disengagement Plan of 8 April 2000 and the ceasefire of 14 April 2000.

**Decision of 2 June 2000 (4151st meeting):
statement by the President**

At its 4143rd meeting, on 17 May 2000, the Council included in its agenda the report of the Security Council mission visit to the Democratic Republic of the Congo, 4 to 8 May 2000.⁵³ In its report, dated 11 May 2000, the Council mission stipulated that the ceasefire which had been inaugurated by the agreement of 8 April and begun on 14 April, though fragile, constituted an important basis for future peacemaking. It noted that the renewed

⁵¹ At the 4132nd meeting, held in private on 25 April 2000, the Council was briefed by the Facilitator of the inter-Congolese dialogue. Members of the Council made comments and posed questions in connection with the briefing. The representative of the Democratic Republic of the Congo made a statement.

⁵² S/PRST/2000/15.

⁵³ S/2000/416.

fighting between Ugandan and Rwandan troops in Kisangani on 5 May and the reported violations of the ceasefire in Equateur Province did not represent breakdowns between the parties to the conflict. Referring to the capture of Zambian peacekeepers in Sierra Leone, the mission stressed that the developments in Sierra Leone should not cloud the international community's responsibility in the Democratic Republic of the Congo and its capacity to make a real difference. The mission also recommended that the Secretary-General, before making a final decision, speak to each of the Lusaka Agreement parties, seeking their unequivocal commitment to assist the proposed deployment of phase II of MONUC, testing their commitment to the maintenance of the ceasefire and asking for their firm undertaking to support phase II on the ground in every way possible. The mission further noted that the military activity in and around Kisangani was in clear breach of the ceasefire, and underscored the mission's role in promoting the joint declaration on the demilitarization of Kisangani issued by the Governments of Uganda and Rwanda on 8 May. Reaffirming the need for the Lusaka and United Nations processes to interact effectively, the mission believed that the core structure for ceasefire monitoring, as ordained in resolution 1291 (2000), had to be MONUC and the Joint Military Commission working together from co-located headquarters. The mission advised that the Lusaka requirement for disarmament, demobilization, repatriation and reintegration should be dealt with when the Political Committee on the Implementation of the Lusaka Ceasefire Agreement convened in New York in June. It further recognized the need for time and the most substantial deployment of peacekeeping forces, beyond phase II of MONUC, and stressed that work had to be done on the details, so that the parties could be confident that the whole structure of the Lusaka Agreement was being given attention. The mission also drew attention to the importance of inter-Congolese dialogue and recommended the early establishment of an expert panel to address the issue of illegal exploitation of natural resources.

At the meeting, statements were made by all members of the Council and the representatives of Algeria, Botswana, the Democratic Republic of the Congo, Japan, Pakistan, Portugal (on behalf of the European Union⁵⁴), Rwanda, South Africa, Swaziland,

⁵⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary,

the United Republic of Tanzania, Zambia and Zimbabwe.⁵⁵

Introducing the report of the Council mission to the Democratic Republic of the Congo, the head of the mission (United States) stated that the mission unanimously believed that Council decisions and actions in the Democratic Republic of the Congo should not be affected by the dangerous and terrible events in Sierra Leone. In his view, the deployment of MONUC in adequate conditions of security and cooperation should remain a key priority. Noting that the demilitarization of Kisangani could take place only once MONUC forces arrived in the city, he advocated their deployment ahead of the initial deployment schedule. He stressed the importance of resolving the issue of co-location of the Joint Military Commission and MONUC, the need for national dialogue, and a successful disarmament, demobilization and reintegration campaign. Finally, he observed that the link between the exploitation of natural resources and the continuation of the conflict needed to be further examined.⁵⁶

Most speakers emphasized the importance of national dialogue among the parties to the conflict and expressed their support for the Facilitator of the inter-Congolese dialogue and hoped that the difference over the venue of the dialogue would be reconciled.

Speakers welcomed the progress achieved by the disengagement plan of 8 April, the signing of the status-of-forces agreement, and the proposed timetable for the withdrawal of Rwandan and Ugandan troops from the Democratic Republic of the Congo, and endorsed the recommendations contained in the mission's report. Concurring with the head of the mission that the situation in the Democratic Republic of the Congo should be considered on its own merits, they called for the rapid deployment of phase II of MONUC, the implementation of the disarmament, demobilization, repatriation and reintegration programme and the resolution of the issue of co-location of the Joint Military Commission and MONUC. They also urged that all cases of violations

Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

⁵⁵ The representative of the Libyan Arab Jamahiriya was invited to participate but did not make a statement.

⁵⁶ S/PV.4143, pp. 2-6.

of humanitarian law and human rights be investigated and perpetrators brought to justice. Speakers expressed satisfaction that the Political Committee would meet in New York in June at the invitation of the President of the Council and reaffirmed the importance of withdrawal of foreign troops from the Democratic Republic of the Congo.

Several speakers endorsed the mission's recommendation for the creation of a panel of experts on the illegal exploitation of natural resources in the Democratic Republic of the Congo.⁵⁷

In connection with the future deployment of MONUC, the representative of Namibia cautioned that further delays in the Mission's deployment might be misinterpreted and taken advantage of by the enemies of the peace process.⁵⁸ The representatives of Malaysia and the Russian Federation supported the recommendation that, before the appropriate decision was taken, the Secretary-General should speak once again to each of the Lusaka parties concerning their assistance in the deployment of peacekeeping forces to the Democratic Republic of the Congo.⁵⁹ The representative of Algeria stated that the rapid and complete deployment of phase II of MONUC remained an absolute priority, designed to strengthen the existent ceasefire and develop confidence in the peace process.⁶⁰ In the light of the Sierra Leone experience, the representative of Bangladesh believed that two opposing considerations had to be made: first, the expediency of deployment of MONUC for maintaining peace and security and second, the imperative of security for peacekeepers and avoiding humiliation.⁶¹ The representative of Ukraine stressed that one of the most compelling tasks was to prevent the events in Sierra Leone from negatively impacting the United Nations presence in the Democratic Republic of the Congo.⁶² The representative of the Democratic Republic of the Congo called on the United Nations to engage in the rapid deployment of phase II of

MONUC, recalling that President Kabila had assured the Council mission that his Government would not hinder such a deployment in any way.⁶³

The representative of Canada drew attention to what his delegation viewed as a mismatch between the mandate of MONUC and its resources, describing it as "penny-wise and pound-foolish" in the light of the recent events in Sierra Leone. In his view, MONUC lacked the capacity to achieve even the core elements of its mandate. He held that an adequate match between mandate and resources was not an option but an operational necessity.⁶⁴ Observing that by resolution 1291 (2000), acting under Chapter VII of the Charter, MONUC had been given a mandate as challenging as that of the United Nations Mission in Sierra Leone, the representative of Pakistan stressed that MONUC should be adequately equipped to fulfil its mandate.⁶⁵ Similarly, the representative of South Africa argued that United Nations troops had to be provided not only with an appropriate mandate that took into account the actual conditions in the area of deployment, but also had to be equipped with appropriate resources to carry out their mandate.⁶⁶ In supporting the rapid deployment of MONUC, the representatives of Jamaica and Algeria emphasized that the Mission had to be equipped to deal with any eventuality.⁶⁷

At the 4151st meeting, on 2 June 2000, the President (France) made a statement on behalf of the Council,⁶⁸ by which the Council, *inter alia*:

Welcomed the recommendation made by its mission to the Democratic Republic of the Congo to proceed with the establishment of an expert panel on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo;

Requested the Secretary-General to establish that panel, for a period of six months;

Stressed that in order to implement its mandate, the expert panel might receive logistical support from MONUC and make visits to various countries in the region and if necessary, to other relevant countries;

Requested the Secretary-General to appoint the members of the panel on the basis of the candidates' professional expertise, impartiality and knowledge of the subregion.

⁵⁷ *Ibid.*, p. 7 (United Kingdom); p. 9 (France); p. 12 (Ukraine); pp. 14-15 (Bangladesh); p. 18 (Namibia); p. 21 (Jamaica); and p. 27 (Democratic Republic of the Congo); S/PV.4143 (Resumption 1), p. 7 (Portugal); and p. 9 (Zimbabwe).

⁵⁸ S/PV.4143, p. 17.

⁵⁹ *Ibid.*, p. 13 (Malaysia); and p. 15 (Russian Federation).

⁶⁰ *Ibid.*, p. 24.

⁶¹ *Ibid.*, p. 14.

⁶² *Ibid.*, p. 11.

⁶³ *Ibid.*, p. 27.

⁶⁴ *Ibid.*, pp. 16-17.

⁶⁵ S/PV.4143 (Resumption 1), p. 3.

⁶⁶ *Ibid.*, p. 4.

⁶⁷ S/PV.4143, p. 21 (Jamaica); and p. 25 (Algeria).

⁶⁸ S/PRST/2000/20.

Decision of 16 June 2000 (4159th meeting): resolution 1304 (2000)

At the 4156th meeting, on 15 June 2000, statements were made by the representatives of the Democratic Republic of the Congo and the United States, and by the representative of Uganda, in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement.⁶⁹

Speaking on behalf of the Council, the President (France) noted that, a year after the signing of the Lusaka Agreement, hostilities had flared up in Kisangani and had been ongoing in Equateur Province and Kivu region. In particular, the resumption of hostilities between Rwanda and Uganda in Kisangani had come as a shock to the international community. He hoped that the necessary decisions would be taken to implement the Lusaka Agreement and bring back peace to the people in the Democratic Republic of the Congo and Central Africa. He noted that the cost in human lives was ever higher and expressed concern over the number of displaced persons and the need for food. Turning to the national dialogue, he deplored the lack of cooperation of the Government of the Democratic Republic of the Congo with the Facilitator. Lastly, he pointed out that the lack of security in that country and the parties' lack of goodwill were hindering the deployment of MONUC, which ran counter to the commitment that had been undertaken. He further characterized the manifestations of hostility towards MONUC in Kinshasa as unacceptable.⁷⁰

⁶⁹ The representatives of Algeria, Angola, Rwanda, Zambia and Zimbabwe, as well as the Head of External Relations of the Mouvement de libération du Congo (MLC), the head of the delegation of the Rassemblement congolais pour la démocratie-Mouvement de libération (RCD-ML) and the Special Representative of the Secretary-General for the Democratic Republic of the Congo were invited to participate but did not make statements. Algeria was represented by the Special Envoy of the President of Algeria, who was the Chairman of OAU; Angola by its Vice-Minister for External Relations; the Democratic Republic of the Congo by its Minister of State for Foreign Affairs and International Cooperation; Namibia by its Minister for Foreign Affairs and President of the General Assembly; Rwanda by its Minister for Foreign Affairs and Regional Cooperation; Uganda by its Minister of State for Foreign Affairs and Regional Cooperation; and Zambia by its Minister for Presidential Affairs. Also present at the meeting was the Secretary-General.

⁷⁰ S/PV.4156, pp. 3-5.

The representative of the United States remarked that the Council mission to Africa in May had carried the weight of the United Nations to the Great Lakes region. He deplored the resumption of hostilities between Rwanda and Uganda in Kisangani, for which there was no excuse as the ceasefire of 8 May had been negotiated by the Security Council. While priority was to be given to the withdrawal of Rwandan and Ugandan forces from Kisangani as the Secretary-General had recommended, all foreign forces needed to be withdrawn and assistance to groups that had not signed the Lusaka Agreement, particularly the ex-Rwandese Armed Forces and Interahamwe, was to be stopped. He further deplored that the Government of the Democratic Republic of the Congo continued to refuse to engage in the inter-Congolese dialogue and to collaborate with the Facilitator, which could be regarded as an attack on the Lusaka peace process. If difficulties had arisen between any parties and the Facilitator, he suggested that they should be "ironed out".⁷¹

The representative of Uganda, speaking in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, observed that, various violations notwithstanding, the Agreement had held. Those violations had occurred largely because the mechanism that the Agreement had put in place to manage the implementation process had not been fully operationalized. He observed that after the very cautious approach initially adopted by the United Nations with regard to its involvement in the implementation process, the Council mission to the Democratic Republic of the Congo had signalled the beginning of a partnership in earnest with the Political Committee. He expected the release and exchange of prisoners to commence by the end of the week. The disengagement of forces would follow once the information given by each party had been verified by MONUC. He noted that while enormous challenges to the implementation of the Lusaka Agreement lay ahead, the challenge posed by the fighting in Kisangani between Rwandan and Ugandan forces had been resolved when the parties had been called upon by the Political Committee to end the fighting and implement the agreement for the demilitarization of Kisangani.⁷²

⁷¹ *Ibid.*, pp. 6-10.

⁷² *Ibid.*, pp. 5-6.

The representative of the Democratic Republic of the Congo assured the Council that his Government was committed to the Lusaka Agreement. He warned, however, that no one could guarantee the outcome if foreign forces remained in the country. He stressed that the Democratic Republic of the Congo needed MONUC but, as a sovereign State, it was necessary for the Government to be notified on the movement of every United Nations aircraft. With respect to the inter-Congolese dialogue and the Facilitator, he declared that his Government had reasons to believe that the existing embodiment of the facilitation was no longer appropriate to the progress of the operation. Therefore, his Government had asked OAU to appoint another facilitator who could facilitate dialogue among all Congolese. He lastly called on the Council to speed up the peace process by, for example, linking phases II and III of the deployment of MONUC.⁷³

At the 4159th meeting,⁷⁴ on 16 June 2000, statements were made by the representatives of Tunisia and Uganda, the latter speaking in his capacity as Chairman of the Political Committee.⁷⁵

The Chairman of the Political Committee reported that the Committee had met in a joint session with the Council in New York on 15 and 16 June 2000, and had reviewed the implementation of the Ceasefire Agreement; the conditions for the deployment of MONUC; disarmament, demobilization, repatriation and reintegration of armed groups; the humanitarian situation; and the inter-Congolese dialogue. Reaffirming the commitment of the parties to the Lusaka Agreement as the only viable means to finding a peaceful and sustainable solution, the Committee had briefed the Council on the measures taken to address ceasefire violations and the steps taken by Rwanda and Uganda to bring the situation in Kisangani back to normalcy, including the withdrawal of their forces from Kisangani that had commenced on 16 June. The Committee had further urged the Council to expedite

the deployment of MONUC and to provide adequate resources to the Facilitator of inter-Congolese political negotiations.⁷⁶

Noting that the deployment of MONUC was of capital importance for the implementation of the Lusaka Agreement, the representative of Tunisia announced that a Tunisian unit was ready to be deployed.⁷⁷

At the same meeting, the President (France) drew the attention of the Council to a draft resolution;⁷⁸ it was put to the vote and adopted unanimously as resolution 1304 (2000), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Demanded that Ugandan and Rwandan forces as well as forces of the Congolese armed opposition and other armed groups immediately and completely withdraw from Kisangani, and called on all parties to the Ceasefire Agreement to respect the demilitarization of the city and its environs;

Further demanded, that Uganda and Rwanda, which had violated the sovereignty and territorial integrity of the Democratic Republic of the Congo, withdraw all their forces from the territory of the Democratic Republic of the Congo; that each phase of withdrawal completed by Ugandan and Rwandan forces be reciprocated by the other parties in conformity with the same timetable; and that all other foreign military presence and activity in the territory of the Democratic Republic of the Congo be brought to an end; in that context demanded that all parties abstain from any offensive action during the process of disengagement and of withdrawal of foreign forces;

Requested the Secretary-General to keep under review arrangements for the deployment of the personnel of MONUC;

Demanded that the parties to the Ceasefire Agreement cooperate with the deployment of MONUC to the areas of operations deemed necessary by the Special Representative of the Secretary-General;

Expressed the view that the Governments of Uganda and Rwanda should make reparations for the loss of life and the property damage they had inflicted on the civilian population in Kisangani, and requested the Secretary-General to submit an assessment of the damage as a basis for such reparations;

Expressed its readiness to consider possible measures which could be imposed in accordance with its responsibility under the Charter of the United Nations in case of failure by parties to comply fully with the resolution.

⁷³ *Ibid.*, p. 11.

⁷⁴ At the 4157th and 4158th meetings, held in private on 15 June and 16 June 2000, respectively, the Council members and the members of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, as well as Zambia, the representative of the Chairman of OAU and the Special Representative of the Secretary-General for the Democratic Republic of the Congo had frank and constructive discussions.

⁷⁵ Uganda was represented by its Minister of State for Foreign Affairs and Regional Cooperation.

⁷⁶ S/PV.4159, pp. 2-3.

⁷⁷ *Ibid.*, p. 3.

⁷⁸ S/2000/587.

Decision of 23 August 2000 (4189th meeting): resolution 1316 (2000)

At its 4189th meeting,⁷⁹ on 23 August 2000, the Council included in its agenda a letter dated 14 August 2000 from the Secretary-General to the President of the Council.⁸⁰ By that letter, the Secretary-General informed the Council that the deployment of MONUC had been prevented by an adverse climate characterized by large-scale fighting in many parts of the country, severe restrictions imposed by the Government and other parties on the Mission's freedom of movement, the refusal of the Government to permit the deployment of United Nations armed troops in accordance with the decisions of the Council, and by a sustained campaign of vilification conducted against MONUC and its staff. Under those conditions, he indicated that the Lusaka peace process was undergoing an extremely challenging phase, which required substantive reevaluation not only on the part of its signatories, but also of the United Nations. He believed that the role MONUC could play under such circumstances remained unclear and requested that the Council consider an interim extension of the mandate of MONUC for one month, until 30 September 2000, in order to allow sufficient time to assess the impact of the development and formulate recommendations accordingly.

The President (Malaysia) drew attention to a draft resolution;⁸¹ it was put to the vote and adopted unanimously and without debate as resolution 1316 (2000), by which the Council, inter alia:

Decided to extend the mandate of MONUC until 15 October 2000;

Emphasized that the technical extension of the Mission's mandate was designed to allow time for further diplomatic activities in support of the Ceasefire Agreement and for Council reflection on the future mandate of MONUC and possible adjustments thereto;

Requested the Secretary-General to report to the Council by 21 September 2000 on progress in the implementation of the

⁷⁹ At the 4183rd meeting, held in private on 3 August 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Members of the Council and the Minister for Human Rights and Special Envoy of the President of the Democratic Republic of the Congo had a constructive discussion.

⁸⁰ S/2000/799.

⁸¹ S/2000/823.

Ceasefire Agreement and relevant Council resolutions and make recommendations for further Council action.

Decision of 7 September 2000 (4194th meeting): statement by the President

At the 4194th meeting, held on 7 September 2000 at the level of Heads of State and Government, in connection with the item entitled "Ensuring an effective role for the Security Council in the maintenance of international peace and security, particularly in Africa", the President (Mali) made a statement on behalf of the Council in connection with the situation in the Democratic Republic of the Congo,⁸² by which the Council, inter alia:

Called on all parties to the conflict to cease the hostilities and to fulfil their obligations under the Lusaka Ceasefire Agreement and the relevant resolutions of the Security Council;

Called for the accelerated withdrawal of Ugandan and Rwandan forces and of all other foreign forces from the territory of the Democratic Republic of the Congo;

Called on all the Congolese Parties to engage fully in the national dialogue process;

Deplored that the continuation of hostilities and the lack of cooperation by the parties had prevented the full deployment of MONUC;

Urged all parties, particularly the Government of the Democratic Republic of the Congo, to cooperate effectively with MONUC in order to allow its deployment.

Decision of 13 October 2000 (4207th meeting): resolution 1323 (2000)

At its 4207th meeting, on 13 October 2000, the Council included in its agenda the fourth report of the Secretary-General on MONUC, dated 21 September 2000.⁸³ In his report, the Secretary-General informed the Council that despite the efforts of regional leaders to put the peace process back on track, there had been little progress in the implementation of the Lusaka Agreement. The ceasefire had been violated consistently and progress in developing the disengagement plan adopted in Kampala on 8 April had been stalled since July, when the Government of the Democratic Republic of the Congo withdrew from Joint Military Commission deliberations on the subject.

⁸² S/PRST/2000/28. For a summary of the meeting, see chap. VIII, sect. 37.E.

⁸³ S/2000/888, submitted pursuant to resolution 1316 (2000).

Moreover, the rebel movements had intensified their attempts to achieve a unified front opposing the Government of the Democratic Republic of the Congo. The Government had recently questioned the validity of the Lusaka Agreement and had asked for its revision. The Secretary-General further reported that prospects for the early implementation of the provisions of the Agreement had receded, owing to the refusal of one party to cooperate with the Facilitator. He further announced that Rwandan and Ugandan forces had withdrawn from Kisangani, although it was not clear whether they had redeployed in other areas. He drew attention to the deterioration of the humanitarian and human rights situation and recommended the extension of the mandate of MONUC for a period of two months, an extension which would indicate to all the parties that those months should be used to unequivocally demonstrate their will to move the peace process forward and to create conditions necessary for the deployment of phase II.

At the meeting, statements were made by the representatives of Argentina, Canada, France, the Netherlands, the United Kingdom and the United States.⁸⁴

Noting that there had been “wholesale violations” of the ceasefire agreement, the representative of Canada pointed out that MONUC was unable to deploy its personnel to the regions of the Democratic Republic of the Congo where its presence was needed. He stressed that it was the responsibility of the Government to get the peace process moving again by finally honouring its repeated commitment to allow MONUC full freedom of movement. He also underlined that the Lusaka Agreement signatories had to realize that the Council would not consent to a process in which cooperation with MONUC or the Joint Military Commission was selective or used to legitimize gains made through armed aggression.⁸⁵ Similarly, the representative of the United Kingdom declared that, while troop-contributing countries and Council members could review the status of MONUC deployment and the concept of operations in an early meeting, the real problem was that MONUC was unable to do its job, as efforts to get the right

conditions for the Mission’s deployment had been so far unsuccessful.⁸⁶ In that connection, others also regretted the lack of guarantees of freedom of movement and security for MONUC and the serious violations of the ceasefire.⁸⁷

On the two-month extension of the mandate of MONUC, many speakers emphasized that the parties needed to utilize those months to reaffirm their commitment to and implement the Lusaka Agreement.⁸⁸ At the same time, the representative of Canada stressed that if the parties did not desist from their “destructive approach”, the Council would need to re-examine whether MONUC, in its existing form, was the most appropriate instrument for helping to stabilize the situation on the ground.⁸⁹ The representative of the United States also cautioned that if efforts to block the Mission continued, and should the parties fail to demonstrate their commitment to the peace process, there would be little choice but to review closely the utility and purpose of a continued United Nations presence, as defined in the Mission’s concept of operations.⁹⁰

At the same meeting, the President (Namibia) drew the attention of the Council to a draft resolution;⁹¹ it was adopted unanimously as resolution 1323 (2000), by which the Council, *inter alia*, decided to extend the mandate of MONUC until 15 December 2000.

Decision of 14 December 2000 (4247th meeting): resolution 1332 (2000)

At its 4237th meeting, on 28 November 2000, at which statements were made by a majority of Council members,⁹² the Council was briefed by the Emergency Relief Coordinator *ad interim*.

In her briefing, the Emergency Relief Coordinator reported that the humanitarian situation in the Democratic Republic of the Congo continued to

⁸⁴ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

⁸⁵ S/PV.4207, pp. 2-3.

⁸⁶ *Ibid.*, pp. 3-4.

⁸⁷ *Ibid.*, p. 4 (Argentina); and p. 5 (France, United States).

⁸⁸ *Ibid.*, p. 4 (United Kingdom, Netherlands); p. 5 (France); and pp. 5-6 (United States).

⁸⁹ *Ibid.*, p. 3.

⁹⁰ *Ibid.*, pp. 5-6.

⁹¹ S/2000/979.

⁹² The representative of Ukraine did not make a statement. The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

deteriorate, 33 per cent of the population being affected by the conflict and some 1.7 million likely to have died as a result of war in the eastern part of the country alone. Flagrant human rights violations prevailed throughout the country and occurred “in an atmosphere of total impunity” on both the Government and rebel sides. Of particular concern were the high numbers of internally displaced people and refugees. She indicated that humanitarian efforts were hampered by a lack of security, limited access to the affected populations and critically few resources for life-saving interventions. In that respect, she emphasized that the genuine commitment of all parties was needed to ensure full humanitarian access across the country. In spite of problems, she reported that the United Nations agencies had had a number of breakthrough operations and were successfully collaborating with MONUC and the Special Representative of the Secretary-General. In closing, noting that the problems present the Democratic Republic of the Congo were interconnected with those of its neighbours, she expressed support for the Council’s efforts to find long-term solutions to address the military, political and humanitarian challenges.⁹³

Council members expressed concern at, *inter alia*, the enormity of the humanitarian crisis in the Democratic Republic of the Congo and the implications of further deteriorations for the region and the continent. They lamented that neither the Government nor the rebel groups had lived up to their commitments under the Lusaka Agreement, cooperated with the United Nations or ensured the security and freedom of movement of humanitarian workers. Referring to violations of human rights and humanitarian law, a number of representatives insisted that the culture of impunity should end and those guilty of such crimes be brought to justice.⁹⁴ A number of speakers agreed that the political and military situation in the Democratic Republic of the Congo could not be analysed in isolation, and should be seen in the context of the Great Lakes region.⁹⁵

Several representatives stressed that the long-term solution to the humanitarian situation lay in a

political settlement.⁹⁶ The representative of the United States observed that neither the United Nations nor any Member State could impose a solution to the crisis. Such a solution, in his view, had to come only from the Congolese political leadership and be respected by all combatants, foreign and Congolese.⁹⁷ The representative of the Russian Federation held that it was important to consider the most suitable forms of United Nations assistance to the peace process in the Democratic Republic of the Congo, including the establishment of conditions for the deployment of phase II of MONUC.⁹⁸

The representative of Argentina believed that the deployment of MONUC under reasonable security conditions would be a factor of stability that would facilitate the work of the humanitarian organizations.⁹⁹ The representative of Mali declared that United Nations coordination backed by a fully-deployed MONUC would allow for improved effectiveness of humanitarian assistance.¹⁰⁰ The representative of Namibia had no doubt that the Mission’s presence on the ground would act as a deterrent and improve the humanitarian situation and thus prevent further loss of life and displacement.¹⁰¹ In contrast, the representative of Canada noted that certain non-governmental organizations believed that a significant deployment of MONUC might further hamper humanitarian access by provoking hostile forces to oppose any international presence.¹⁰² The representative of France suggested incorporating a civilian component into MONUC, distinct from military observers, which would enable the Mission to better assess the humanitarian situation and liaise with civil society.¹⁰³ Answering the queries of Council members, the Emergency Relief Coordinator expressed the view that the presence of MONUC, with its additional security it would provide, would facilitate humanitarian assistance. While acknowledging that the United Nations presence was seen as controversial, she held that given the prevailing situation on the ground, the security provided by

⁹³ S/PV.4237, pp. 2-5.

⁹⁴ *Ibid.*, p. 8 (Canada); pp. 8-9 (Argentina); p. 11 (Namibia); and p. 16 (Jamaica).

⁹⁵ *Ibid.*, p. 6 (Bangladesh); p. 9 (Argentina); p. 15 (Tunisia); and p. 16 (Jamaica).

⁹⁶ *Ibid.*, p. 6 (Bangladesh); pp. 8-9 (Argentina); p. 10 (France); p. 12 (United States); p. 13 (China); p. 14 (Russian Federation); and p. 16 (Jamaica).

⁹⁷ *Ibid.*, p. 13.

⁹⁸ *Ibid.*, p. 14.

⁹⁹ *Ibid.*, p. 9.

¹⁰⁰ *Ibid.*, p. 19.

¹⁰¹ *Ibid.*, p. 11.

¹⁰² *Ibid.*, p. 8.

¹⁰³ *Ibid.*, p. 10.

MONUC would be welcomed, in terms of providing potential access and escorts.¹⁰⁴

At its 4247th meeting, on 14 December 2000, the Council included in its agenda the fifth report of the Secretary-General on MONUC, dated 6 December 2000.¹⁰⁵ In his report, the Secretary-General noted that, despite substantial compliance with the ceasefire in most parts of the Democratic Republic of the Congo, fighting had occurred in the Equateur and Katanga provinces. He further pointed out that the clashes that had occurred in border areas threatened to spill over into the Republic of the Congo, the Central African Republic and Zambia. In view of the situation, he recommended that the Mission's mandate be extended for six more months, while expressing his intention to recommend the deployment of infantry units in support of the military observers. Lastly, he indicated that a broader agreement needed to be reached on the key questions that had so far not been resolved and suggested creating a permanent mechanism to pursue genuine and workable arrangements to solve the underlying questions at the core of the conflict.

The President (Russian Federation) drew attention to a letter dated 13 December 2000 from the representative of Rwanda to the President of the Council.¹⁰⁶

The representative of the Democratic Republic of the Congo, the only speaker at the meeting,¹⁰⁷ hoped that a rapid and appropriate solution could be achieved, taking into account the interests of the warring parties, including the re-establishment of its sovereignty and territorial integrity; halting of the flagrant violations of human rights and other atrocities; halting of the exploitation of natural resources; and addressing the security concerns of Rwanda, Uganda and Burundi. He noted that his Government expected the immediate withdrawal of the armed forces of Rwanda, Uganda

and Burundi from its territory and that the disengagement sub-plans would be immediately implemented in accord with the three-phase schedule adopted at Harare on 6 December. Therefore, he urged the Security Council to take advantage of the Harare disengagement sub-plans by authorizing the deployment of neutral forces along the common border with Rwanda and Uganda and offered assurances that his Government would work to ensure freedom of movement of MONUC and cooperate on the rapid deployment of United Nations troops. He cautioned that parties could create insecurity at the border and relaunch fighting to delay the deployment of the neutral observers and United Nations troops. The representative maintained that his Government considered it militarily impossible to disarm the armed groups in the presence of Rwandan and Ugandan troops. He further conveyed his Government's commitment to the inter-Congolese dialogue and announced the release of all prisoners of conscience in preparation for the meeting to be held in Libreville later that month.¹⁰⁸

The President drew attention to a draft resolution;¹⁰⁹ it was put to the vote and adopted unanimously as resolution 1332 (2000), by which the Council, *inter alia*:

Decided to extend the mandate of MONUC until 15 June 2001;

Called on all parties to the Lusaka Ceasefire Agreement to cease hostilities and to continue to intensify their dialogue to implement that Agreement, as well as the Kampala, Maputo and Harare Agreements, and to take additional steps, within the framework of those Agreements, to accelerate the peace process;

Endorsed the proposal made by the Secretary-General to deploy, as soon as he considered that conditions would allow it and in accordance with the relevant provisions of resolution 1291 (2000), additional military observers, in order to monitor and verify the parties' implementation of the ceasefire and disengagement plans adopted in Maputo and Lusaka.

**Decision of 22 February 2001 (4282nd meeting):
resolution 1341 (2001)**

At its 4271st meeting,¹¹⁰ on 2 February 2001, the Council included in its agenda a briefing by Major

¹⁰⁴ *Ibid.*, p. 21.

¹⁰⁵ S/2000/1156, submitted pursuant to resolutions 1291 (2000) and 1316 (2000).

¹⁰⁶ S/2000/1186; the representative of Rwanda requested that the Council support the Government of Zambia in disarming and repatriating the ex-Rwandese Armed Forces and Interahamwe forces currently on Zambian territory as part of the armed groups that had fled the Democratic Republic of the Congo.

¹⁰⁷ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

¹⁰⁸ S/PV.4247, pp. 3-6.

¹⁰⁹ S/2000/1182.

¹¹⁰ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

General Joseph Kabila, President of the Democratic Republic of the Congo. Following briefings by the Secretary-General and the President of the Democratic Republic of the Congo, statements were made by all Council members.

The President (Tunisia) stated that the Lusaka Ceasefire Agreement had gone through critical phases and faced many challenges since the Council meeting on 24 January 2000. Foreign troops had not withdrawn from the territory of the Democratic Republic of the Congo, the national dialogue had come to a standstill and the deployment of MONUC had been delayed.¹¹¹

The Secretary-General highlighted the window of opportunity in the Democratic Republic of the Congo created by the absence of violations of the ceasefire in the previous two weeks. He urged the parties to adhere to the 6 December 2000 disengagement plan they had agreed to. He announced that in his forthcoming report, he would propose the elements of a revised concept of operations for the MONUC deployment in support of the disengagement plan. Underlining the importance of the inter-Congolese dialogue, he welcomed the willingness of the new Government to work with the neutral Facilitator appointed under the Lusaka Agreement, with the help of a co-Facilitator. He also called for the early withdrawal of all foreign forces and commended the new Government for its commitment to peace.¹¹²

The representative of the Democratic Republic of the Congo insisted that, to be effective, the Lusaka Agreement had to be reinforced by a binding mechanism that would punish the parties who violated the ceasefire and did not respect the measures taken for deployment and disengagement. Noting that the situation in his country had not changed significantly since the Council's high-level meeting on 24 January 2000, he called on the Council to devise a new and precise timeframe to include: (1) the disengagement provided for in the Harare Agreement; (2) the deployment of United Nations troops; (3) the unconditional withdrawal of uninvited forces; and (4) the withdrawal of troops from other countries that had been invited. Pointing out that the illegal exploitation of natural resources continued to fuel conflict, he looked forward to the next report of the Panel of Experts on the issue. In anticipation of the

Council's decision whether to deploy phase II of MONUC, he reiterated his Government's commitment to cooperate closely with the Mission. He added that once peace and territorial integrity had been restored, preparations would be made for free and transparent elections.¹¹³

Council members called on the parties to fulfil their commitments under the signed agreements and underlined the importance of implementing the Lusaka Ceasefire Agreement and the Kampala and Harare disengagement plans. Echoing the Secretary-General, speakers stressed the importance of the inter-Congolese dialogue and encouraged President Kabila and his Government to take concrete steps in cooperation with the neutral Facilitator. Council members held that peace and democratization were intrinsically linked and supported President Kabila's intention to work towards the establishment of a democratic country and prepare for the holding of free and fair elections.

Speakers stressed that the full deployment of MONUC was contingent on the disengagement of troops of the warring parties, and that free access, security and safety had to be provided for MONUC and humanitarian agency personnel. Council members also welcomed the remarks of President Kabila in support of MONUC and the peace process and called for the withdrawal of all foreign forces from the Democratic Republic of the Congo. The representative of the United States recalled that while the Council had authorized phase II of MONUC almost a year ago, the Secretary-General had delayed the deployment of additional personnel because conditions on the ground had not yet been conducive to a successful mission, which was not a popular but right decision.¹¹⁴ The representative of France believed that the withdrawal of foreign troops from the Democratic Republic of the Congo had to be accompanied by the rapid deployment of MONUC.¹¹⁵ The representatives of Mali and Mauritius held that the deployment of the second phase of MONUC was essential to the peace process.¹¹⁶ In the view of the representative of Mauritius, the undue delay in the deployment of the United Nations peacekeeping operation had undoubtedly contributed to the stagnation of the Lusaka process.¹¹⁷ Urging the

¹¹¹ S/PV.4271, pp. 2-3.

¹¹² *Ibid.*, pp. 3-4.

¹¹³ *Ibid.*, pp. 4-6.

¹¹⁴ *Ibid.*, p. 7.

¹¹⁵ *Ibid.*, p. 9.

¹¹⁶ *Ibid.*, pp. 10-11 (Mali); and p. 16 (Mauritius).

¹¹⁷ *Ibid.*, p. 16.

parties to make progress in implementing the Lusaka Agreement, the representative of China expressed hope that the Council would, in view of the changing situation, take specific steps for the deployment of phase II of MONUC.¹¹⁸ The representative of the Russian Federation stated that, in considering the deployment of phase II of MONUC, the Council would take into consideration whether the parties showed genuine political will to fulfil their commitments.¹¹⁹ The representative of Bangladesh declared that real progress on the ground had to be achieved in order for the Council to take a decision on the full deployment of MONUC at its authorized strength.¹²⁰ The representative of the United Kingdom stressed that MONUC could deploy and carry out its role only in parallel with implementation by the parties of the Lusaka Agreement.¹²¹

At its 4279th meeting, on 21 February 2001, the Council included in its agenda the sixth report of the Secretary-General on MONUC, dated 12 February 2001.¹²² In his report, the Secretary-General expressed satisfaction at the lack of significant ceasefire violations since mid-January. He indicated that there were hopeful signs that the Government of the Democratic Republic of the Congo might be willing to accept the role of Sir Ketumile Masire as the neutral Facilitator for the inter-Congolese dialogue. Under those circumstances, he recommended the adoption of a revised concept of operations for MONUC which would enable the Mission to assist the parties in carrying out the disengagement of their forces along a confrontation line. He further recommended that MONUC be strengthened with the additional civilian staff, including a reinforced human rights component. He deplored the outbreaks of intercommunal violence in Bunia and South Kivu and called on the local authorities to find peaceful ways of resolving the issues. He also commended the involvement of regional Heads of State in the search for solutions to the conflict.

At the meeting, the President (Tunisia) drew attention to two letters from the representatives of Rwanda and Uganda, respectively, addressed to the

¹¹⁸ *Ibid.*, p. 14.

¹¹⁹ *Ibid.*, p. 20.

¹²⁰ *Ibid.*, p. 10.

¹²¹ *Ibid.*, p. 12.

¹²² S/2001/128, submitted pursuant to resolution 1332 (2000).

President of the Council.¹²³ The Council was briefed by the Secretary-General and the representative of Zimbabwe, in his capacity as Chairman of the Political Committee.¹²⁴

Acknowledging the initiatives of many African leaders and OAU, the President (Tunisia) welcomed the progress that had been made in the previous few weeks towards respect for the Ceasefire Agreement and the readiness of the Congolese authorities to implement the inter-Congolese dialogue with its Facilitator. He announced that the United Nations was preparing to implement the deployment of MONUC, and called on all parties to cooperate in the Mission's deployment. He also expressed concern at the deterioration of the humanitarian situation.¹²⁵

The Secretary-General reported an improvement in the situation in the Democratic Republic of the Congo, with the parties talking to each other, the

¹²³ By a letter dated 18 February 2001, the representative of Rwanda informed the Council that his Government had taken note of the results of the Third Summit of the signatories of the Lusaka Agreement, in Lusaka on 15 February 2001, and had reaffirmed its earlier offer to pull back its forces present in the Democratic Republic of the Congo (S/2001/147). By a letter dated 20 February 2001, the representative of Uganda forwarded a statement by his Government reaffirming that the Lusaka Agreement remained the most viable framework for the resolution of the conflict in the Democratic Republic of the Congo, welcoming the planned deployment of MONUC observers by 26 February 2001 and announcing its decision to withdraw an additional two battalions from the Democratic Republic of the Congo, under the supervision of MONUC (S/2001/150).

¹²⁴ The representatives of Togo, Angola, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia and Zimbabwe, as well as the representatives of MLC to the Joint Military Commission and of RCD-Kisangani, the Secretary-General of RCD and the Special Representative of the Secretary-General for the Democratic Republic of the Congo were invited to participate but did not make statements. Togo was represented by the Special Envoy of the President of Togo; Angola by its Minister for External Relations; the Democratic Republic of the Congo by its Minister for Foreign Affairs and International Cooperation; Rwanda by the President of the Republic; Uganda by its Minister of State for Foreign Affairs; Zambia by its Minister for Presidential Affairs; and Namibia and Zimbabwe by their respective Ministers of State for Foreign Affairs.

¹²⁵ S/PV.4279, pp. 3-4.

Congolese people being able to take part in the governance of the country, and a de facto cessation of hostilities prevailing throughout much of the country. Under the plan devised by the Joint Military Commission and approved by the Political Committee, the opposing foreign troops could soon begin to withdraw from their advance positions and take a step back from the line of confrontation. The concept of operations that had been submitted to the Council proposed that United Nations military personnel should be deployed to monitor and verify the actions taken by the parties in implementing the Harare disengagement plan. Welcoming the readiness of the Congolese authorities to engage in the inter-Congolese dialogue, he encouraged all parties to cooperate in achieving peace. Referring to complaints with regard to the slowness of the United Nations to act and the small size of the forces it planned to deploy, the Secretary-General explained that many troop-contributing countries were not convinced that they should risk their soldiers' lives in circumstances where the parties to the conflict were not reliably committed to the peace process. He saluted the decision of President Kagame to withdraw his troops from Pweto and pull back all his forces, in accordance with the Harare disengagement and redeployment plan.¹²⁶

The representative of Zimbabwe, speaking in his capacity as Chairman of the Political Committee, noted that a radically transformed situation now existed in the Democratic Republic of the Congo, giving rise to renewed hope and optimism for the peace process. While observing that it was "patently evident" that the parties continued to take their obligations seriously, and that this turn of events could move the peace process even further and in more tangible ways, he noted with concern that in adopting a "gradualist and minimalist" concept of operations for MONUC, the United Nations conveyed an unfortunate impression of hesitation and doubt about the peace process. In his opinion, the reduction in the number of MONUC troops to be deployed from the 5,537 authorized under resolution 1291 (2000) to under 3,000 signalled a lack of seriousness and commitment to the peace process and amounted to amending resolution 1291 (2000) "by the back door", through administrative fiat. Consequently, he appealed to the Council to reconsider the proposed figure for deployment under the new concept and called on the Council to act swiftly and

¹²⁶ Ibid., pp. 4-5.

decisively to promote peace in the Democratic Republic of the Congo and be willing to take calculated risks, if need be.¹²⁷

At its 4282nd meeting,¹²⁸ on 22 February 2001, the Council again included in its agenda the sixth report of the Secretary-General on MONUC, dated 12 February 2001.¹²⁹ Statements were made by the representatives of the United Kingdom and Zimbabwe, the latter speaking in his capacity as Chairman of the Political Committee.

The representative of the United Kingdom asked the Chairman of the Political Committee to confirm that the first step of withdrawal in Katanga province which the parties had agreed on was founded on the Kampala Agreement of 8 April 2000.¹³⁰ In response, the Chairman of the Political Committee explained that the positions agreed to by the parties were based on both the Kampala Agreement and the Harare sub-plans and offered assurances that there was no confusion as to which positions had been intended.¹³¹

The President (Tunisia) drew the attention of the Council to a draft resolution;¹³² it was put to the vote and adopted unanimously as resolution 1341 (2001), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Demanded once again that Ugandan and Rwandan forces and all other foreign forces withdraw from the territory of the Democratic Republic of the Congo;

Demanded that the parties implement fully the Kampala plan and the Harare sub-plans for disengagement and redeployment of forces without reservations within the 14-day period stipulated in the Harare Agreement, starting 15 March 2001;

¹²⁷ Ibid., pp. 6-8.

¹²⁸ At the 4280th meeting, held in private on 21 February 2001, the members of the Council, the members of the Political Committee, the representative of Zambia, the Special Envoy of the Chairman of OAU, the Under-Secretary-General for Political Affairs of OAU and the Special Representative of the Secretary-General for the Democratic Republic of the Congo had a constructive, interactive discussion. At the 4281st meeting, held in private on 22 February 2001, the Council was briefed by the Facilitator of the inter-Congolese dialogue.

¹²⁹ S/2001/128.

¹³⁰ S/PV.4282, p. 2.

¹³¹ Ibid.

¹³² S/2001/157.

Urged the parties to the Lusaka Agreement to prepare to adopt not later than 15 May 2001 a precise plan and schedule which would lead to the completion of the orderly withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;

Condemned the massacres and atrocities committed and demanded that all the parties concerned put an immediate end to violations of human rights and international humanitarian law;

Demanded that all those concerned bring an end to the recruitment, training and use of children in their armed forces;

Called on all parties to ensure the safe and unhindered access of relief personnel to all those in need;

Called the parties to the conflict to cooperate fully with the deployment of MONUC;

Requested the parties to relocate the Joint Military Commission to Kinshasa, co-locating it at all levels with MONUC;

Endorsed the Secretary-General's updated concept of operations for the deployment of MONUC; expressed its readiness to consider possible measures which could be imposed in accordance with its responsibility under the Charter of the United Nations in case of failure by parties to comply fully with the resolution.

**Decision of 3 May 2001 (4318th meeting):
statement by the President**

At its 4317th meeting,¹³³ on 3 May 2001, the Council included in its agenda a letter dated 12 April 2001 from the Secretary-General to the President of the Council, transmitting the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.¹³⁴

In its report, the Panel of Experts concluded, *inter alia*, that the conflict in the Democratic Republic of the Congo had become mainly about access, control and trade of mineral resources; the exploitation of natural resources of that country had become systematic and systemic; a number of private companies had been involved and fuelled the war directly, trading arms for natural resources; bilateral and multilateral donors had sent mixed signals to Governments with armies in the Democratic Republic of the Congo; and top military

¹³³ For more information on the discussion at this meeting, see chap. XI, part IX, sect. B, with regard to Article 51 of the Charter.

¹³⁴ S/2001/357; the report was submitted pursuant to the statement by the President of 2 June 2000 (S/PRST/2000/20).

commanders from various countries required the conflict for its lucrative nature and for temporarily solving some internal problems in those countries. The Panel recommended, *inter alia*, that the Council should (1) extend the mandate of the Panel to allow it to conduct a follow-up investigation and report; (2) declare a temporary embargo on certain natural resources from, or to, Burundi, Rwanda and Uganda until the involvement of those countries in the exploitation of the natural resources of the Democratic Republic of the Congo was made clear and declared so by the Council; (3) decide that all Member States freeze without delay the financial assets of the rebel movements and their leaders; (4) strongly urge all States to freeze the financial assets of those companies or individuals participating in the illegal exploitation of natural resources; (5) declare an immediate embargo on the supply of weapons and all military materiel to the rebel groups operating in the Democratic Republic of the Congo and consider extending the embargo to the States that supported or assisted those groups; and (6) decide that all military cooperation with States whose military forces were present in the Democratic Republic of the Congo in violation of its sovereignty be suspended immediately until those armies withdrew. The Panel also made recommendations with respect to financial and economic matters, the diamond business and transit of timber and timber certification.

At the meeting, at which the President (United States) drew attention to three letters to the President of the Council,¹³⁵ the Council was briefed by the Chairperson of the Panel of Experts. Statements were made by all members of the Council and the representatives of Angola, Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Rwanda, the Sudan, Sweden (on behalf of the European Union¹³⁶), Uganda, the United Republic of Tanzania and Zimbabwe.¹³⁷

¹³⁵ Letter dated 16 April 2001 from the representative of Uganda (S/2001/378), letter dated 24 April 2001 from the representative of Rwanda (S/2001/402) and letter dated 1 May 2001 from the representative of Burundi, each transmitting the respective Government's reaction to the report of the Panel of Experts (S/2001/433).

¹³⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹³⁷ Burundi was represented by its Minister of Finance; the Democratic Republic of the Congo by its Minister for

In her briefing, the Chairperson of the Panel of Experts noted that the Panel's mandate had been to consider the illegal exploitation of natural resources in the Democratic Republic of the Congo; to research and analyse the links between the exploitation of resources and the continuation of conflict; and to make recommendations to the Council. Elaborating on the report's findings, she held that the Rwandan and Ugandan armies, and to a lesser extent the Burundi army, had been engaged in the illegal exploitation of resources in the Democratic Republic of the Congo since 1998. The links between the exploitation of resources, which took the forms of mass-scale looting and the systematic and systemic exploitation of resources, and the continuation of war were found at three levels: (1) at the level of personal gain of high-ranking military and civilian officials; (2) in the field, where there was more fighting in mining areas than at the official front; and (3) at the level of the financing of the conflict, because of the gap between the military expenditures of the various armies and the level of the defence budget of the various countries.¹³⁸

The representative of the Democratic Republic of the Congo stated that the report had confirmed that border insecurity was not the real reason for the troops of Burundi, Rwanda and Uganda to be in his country. Instead, the real motive for the aggression was the systematic plundering and illegal exploitation of his country's natural resources. Emphasizing that the illegal exploitation violated the rights of the Congolese people to self-determination as well as the principle of territorial integrity and sovereignty of the Democratic Republic of the Congo, he called on the Council to implement the Panel's recommendations.¹³⁹

The representative of Angola saluted the distinction made in the report between the "invited forces" and the "invading forces" present in the Democratic Republic of the Congo. He noted that the troops of Angola and Namibia were funded from their regular budget and did not behave in a "suspicious" way.¹⁴⁰ The representative of Zimbabwe believed that the report should compel the Council to force the

withdrawal of the uninvited forces from the Democratic Republic of the Congo.¹⁴¹

The representatives of Rwanda and Uganda believed that the Panel did not take into account the Lusaka Agreement in defining illegality. Under the Agreement, they pointed out, the three Congolese signatories — the Government of the Democratic Republic of the Congo, the Rassemblement congolais pour la démocratie (RCD) and the Mouvement de libération du Congo (MLC) — would each be charged with the responsibility of administering the area that it controlled until State administration was re-established. However, the Panel had deemed illegality to be the activity carried out in violation of regulations established by the Government in Kinshasa.¹⁴² The representative of Rwanda further stressed that terms such as "illegal", "legitimate", "power" and "control" should be established in relation to the specific and unique political situation prevailing in the Democratic Republic of the Congo.¹⁴³ The representative of the United Republic of Tanzania contested the veracity of the allegations made by the Panel regarding his country's involvement in the illegal exploitation of natural resources.¹⁴⁴ The representatives of Rwanda, Uganda and Burundi expressed their doubts at the quality of the information used in drafting the report, which in their view undermined the credibility of the conclusions.¹⁴⁵ Consequently, the representative of Rwanda proposed that the report be dropped altogether. In his opinion, the Panel's request for a mandate extension to finish its investigation was designed only to pre-empt reactions from the wrongly accused countries, such as his own.¹⁴⁶

In contrast, the representative of France insisted that the Panel had followed "strictly" the mandate given to it by the Council.¹⁴⁷ Similarly, the representative of Namibia argued that the Panel had produced an objective, comprehensive and well-substantiated report, using sound working methods.¹⁴⁸

Foreign Affairs and International Cooperation; Rwanda by the Special Envoy of the President of Rwanda; and Uganda by its Minister of State for Foreign Affairs and Regional Cooperation.

¹³⁸ S/PV.4317, pp. 3-4.

¹³⁹ *Ibid.*, pp. 5-8.

¹⁴⁰ S/PV.4317 (Resumption 1), p. 18.

¹⁴¹ *Ibid.*, p. 20.

¹⁴² S/PV.4317, pp. 8-9 (Rwanda); and p. 12 (Uganda).

¹⁴³ *Ibid.*, pp. 10-11.

¹⁴⁴ S/PV.4317 (Resumption 1), p. 19.

¹⁴⁵ S/PV.4317, p. 10 (Rwanda); p. 14 (Uganda); and pp. 15-16 (Burundi).

¹⁴⁶ *Ibid.*, pp. 10-11.

¹⁴⁷ *Ibid.*, p. 20.

¹⁴⁸ S/PV.4317 (Resumption 1), p. 15.

Noting that the report provided “sombre” information about the scope of the illegal exploitation in the Democratic Republic of the Congo, the representative of Tunisia believed that the Panel’s recommendations merited careful consideration and constructive dialogue with the parties concerned.¹⁴⁹

A majority of the representatives spoke in favour of extending the Panel’s mandate for three months. While endorsing the extension, the representative of China noted that in some instances there was no clear distinction between the cases with conclusive evidence and those with evidence that was either inadequate or hearsay. He further expressed hope that, in the next phase of its work, the Panel would apply stricter standards.¹⁵⁰

With respect to the Panel’s recommendations regarding the introduction of sanctions and the adoption of reparatory measures, a number of representatives believed that the Council should not rush into making a decision and should wait until additional information was gathered.¹⁵¹ The representative of Bangladesh recommended that in the short term the Council should call for the immediate cessation of the illegal exploitation of mineral and other resources of the Democratic Republic of the Congo.¹⁵² The representative of Namibia expressed his full support for the conclusions reached by the Panel and for the implementation of its recommendations.¹⁵³

At its 4318th meeting, on 3 May 2001, the Council again included in its agenda the letter dated 12 April 2001 from the Secretary-General to the President of the Council transmitting the report of the Panel of Experts.¹⁵⁴ The President (United States) then drew attention to a letter dated 24 April 2001 to the President of the Council, by which the Secretary-General transmitted the action plan for the extension of the mandate of the Panel of Experts prepared by the Chairperson of the Panel.¹⁵⁵

At the same meeting, the President made a statement on behalf of the Council,¹⁵⁶ by which the Council, *inter alia*:

Noted the disturbing information about the illegal exploitation of Congolese natural resources;

Condemned the illegal exploitation of the natural resources and expressed serious concern at those activities;

Urged Governments to conduct their own inquiries into that information; and noted with concern the terrible toll the conflict was taking on the people, economy and environment of the Democratic Republic of the Congo;

Stated its belief that the only viable solution to the crisis was the full implementation of the Lusaka Ceasefire Agreement and relevant Council resolutions;

Requested the Secretary-General to extend the mandate of the Panel for a final period of three months, and requested that the Panel submit a final report to the Council.

**Decision of 15 June 2001 (4329th meeting):
resolution 1355 (2001)**

At its 4327th meeting, on 13 June 2001, the Council included in its agenda the eighth report of the Secretary-General on MONUC, dated 8 June 2001.¹⁵⁷ In his report, the Secretary-General noted that, while the parties in the Democratic Republic of the Congo continued to adhere to the ceasefire, which had engendered cautious optimism about the immediate future of the Lusaka peace process, reports indicated disturbing eastward movements of armed groups and their recent incursions into Rwanda, Burundi and the United Republic of Tanzania to avoid participation in the disarmament, demobilization, repatriation, resettlement and reintegration programme. Welcoming the cooperation of the Government of the Democratic Republic of the Congo with MONUC, he called on the rebel movements to extend the same level of cooperation. He announced that the plans drawn up by the Joint Military Commission and the Political Committee, in consultation with MONUC, for the total withdrawal of all foreign forces from the country and the disarmament, demobilization, repatriation, resettlement and reintegration of armed groups did not constitute a sufficient basis for further action by the United Nations. He consequently urged the parties to provide as soon as possible the detailed information

¹⁴⁹ S/PV.4317, p. 17.

¹⁵⁰ S/PV.4317 (Resumption 1), p. 2.

¹⁵¹ S/PV.4317, p. 22 (Russian Federation); S/PV.4317 (Resumption 1), p. 4 (Colombia); pp. 4-5 (Norway); and pp. 13-14 (Sweden on behalf of the European Union).

¹⁵² S/PV.4317 (Resumption 1), p. 6.

¹⁵³ *Ibid.*, pp. 15-16.

¹⁵⁴ S/2001/357; the report was submitted pursuant to the statement by the President of 2 June 2000 (S/PRST/2000/20).

¹⁵⁵ S/2001/416.

¹⁵⁶ S/PRST/2001/13.

¹⁵⁷ S/2001/572, submitted pursuant to resolutions 1332 (2000) and 1341 (2001).

required for the Secretariat to be able to recommend specific adjustments to the mandate and the force structure of MONUC. Nevertheless, though incomplete, the substantial progress made in the disengagement of forces, which constituted phase II of MONUC deployment, demanded an appropriate follow-up. He therefore recommended to the Council that it authorize a transition to phase III of MONUC deployment. During the transitional stage, he recommended expanding considerably the civilian components of MONUC, including a new civilian police component, as well as its logistical capabilities. Lastly, he welcomed the preparatory meeting for the inter-Congolese dialogue, set to begin on 16 July 2001, as well as the reopening of the Congo River, which would revitalize economic activity.

At the meeting, the President (Bangladesh) drew attention to the report of the Security Council mission to the Great Lakes region, 15 to 26 May 2001.¹⁵⁸

The Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Secretary-General for Children and Armed Conflict. Statements were made by all members of the Council, as well as by the representatives of Burundi, the Democratic Republic of the Congo,¹⁵⁹ Egypt, Japan, Namibia, Rwanda, Sweden (on behalf of the European Union¹⁶⁰) and Uganda.

In his briefing, the Under-Secretary-General for Peacekeeping Operations, reiterating the recommendations in the Secretary-General's report, made it clear that, while the Secretary-General was not seeking to exceed the authorized troop strength of 5,537 approved by resolution 1291 (2000), it was

envisaged to continue building up the military contingent of MONUC within that figure. He also noted that since the completion of the report there had been several new developments, including allegations from RCD that the Congolese armed forces had occupied positions vacated by RCD, which MONUC would investigate. In addition, he reported that Ugandan and Zimbabwean troops continued to withdraw from the Democratic Republic of the Congo.¹⁶¹

The Special Representative of the Secretary-General for Children and Armed Conflict informed the Council about the direct and indirect impact of the war on children who were affected by malnutrition and preventable diseases, subjected to child labour and prostitution, and recruited and used as child soldiers. Emphasizing the urgency of addressing the situation of war-affected children in the Democratic Republic of the Congo, he informed the Council about the five-point programme accepted by the parties, which included (1) prevention of recruitment of children under 18 as soldiers; (2) establishment of a mechanism to monitor and report on the application of that commitment; (3) a major public-awareness campaign to sensitize the military, civil society and local communities; (4) joint visits by MONUC, the United Nations Children's Fund (UNICEF) and military authorities to military camps where children were suspected of being housed; and (5) establishment of the necessary capacity and structures for the demobilization, rehabilitation and reintegration of child soldiers. Furthermore, noting that the presence of MONUC on the ground had brought confidence and reassurance to the local population, he strongly recommended the expansion and strengthening of the humanitarian role played by MONUC.¹⁶²

At the meeting, the majority of speakers concurred with the Secretary-General that cautious optimism had emerged, although the irreversibility of the peace process was still uncertain. They also deplored the situation in the Democratic Republic of the Congo with regard to humanitarian need, and expressed their concern in particular about the situation of children in that country. In that regard, several speakers expressed their support for the five-point programme laid out by the Special Representative of

¹⁵⁸ S/2001/521 and Add.1. In the report, the Council mission found that, inter alia, in spite of the fact that the ceasefire had continued to hold in the previous four months, serious obstacles remained for achieving peace, such as the reluctance of the leader of the Front de libération du Congo to disengage his forces and the slow finalization of the plans for the withdrawal of foreign troops and the disarmament, demobilization, repatriation, resettlement and reintegration of armed groups.

¹⁵⁹ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

¹⁶⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹⁶¹ S/PV.4327, pp. 2-5.

¹⁶² Ibid., pp. 5-7.

the Secretary-General for Children and Armed Conflict.¹⁶³ Stressing the importance of economic recovery of the Democratic Republic of the Congo, several speakers saluted the reopening of the Congo River for commerce and the establishment of the Congo River Basin Commission.¹⁶⁴

A few representatives expressed concern at the reports of eastward movement of armed groups and their recent incursions into the neighbouring countries, given the implications for the peace process in the Democratic Republic of the Congo and the region.¹⁶⁵ Following the announcement made by the representative of the Democratic Republic of the Congo regarding his Government's intention to open direct contacts, "at the highest level", with the leaders of the neighbouring countries,¹⁶⁶ a number of speakers encouraged such bilateral and regional contacts.¹⁶⁷

Several representatives believed that there could be no lasting peace in the Democratic Republic of the Congo without a comprehensive settlement of the situation in Burundi.¹⁶⁸ According to the representative of Burundi, peace would be regional or there would be no peace. He asked the Council not to allow the Lusaka and Arusha processes to destroy each other, to find a formula that could ensure a deterrent presence at the borders of Burundi with the Democratic Republic of the Congo and the United Republic of Tanzania, and to provide for enforcement measures if the rebels refused a negotiated solution. The representative reiterated his Government's willingness to continue bilateral consultations, in particular with the Democratic Republic of the Congo and the United Republic of Tanzania.¹⁶⁹

A number of speakers expressed concern at the refusal of RCD to cooperate in the demilitarization of Kisangani and of the Front de libération du Congo and MLC to disengage to the agreed positions.¹⁷⁰ The representative of the Democratic Republic of the Congo asked the Council to determine a specific date for the effective and complete demilitarization of the city.¹⁷¹

Speaking on behalf of the European Union, the representative of Sweden called on the Governments of the Democratic Republic of the Congo and Zimbabwe to cease all support to armed groups, and on Rwanda to honour its commitment with regard to the repatriation and reintegration of rebel groups.¹⁷² In that respect, the representative of Rwanda believed that the Council was "duty-bound" to assist his country and the entire region in disarming rebel groups, in accordance with the Lusaka Agreement.¹⁷³

Stressing that the peace process had not yet become irreversible, the majority of the speakers expressed their support for the extension of the mandate of MONUC for 12 months. A number of representatives agreed with the Secretary-General's assessment that for the Secretariat to prepare phase III of the Mission's deployment, detailed information on the location and composition of foreign forces and on their withdrawal routes was necessary.¹⁷⁴ While welcoming the transition phase, the representative of Mauritius held that the full phase III of the Mission's deployment should not be delayed "unduly", which was echoed by the representative of Mali.¹⁷⁵ Similarly, acknowledging that there were "essential" prerequisites that had to be met before the deployment of phase III of MONUC, such as the provision by the parties of relevant information on their forces, the representative of Egypt hoped that the transitional phase would not be prolonged and stressed that the United Nations had to be ready to address the challenges and risks it might

¹⁶³ Ibid., p. 21 (Mauritius); and p. 22 (Singapore); S/PV.4327 (Resumption 1), p. 3 (Norway); p. 4 (Colombia); and p. 15 (Bangladesh).

¹⁶⁴ S/PV.4327, p. 11 (France); p. 14 (Ukraine); p. 17 (China); and p. 24 (United States); S/PV.4327 (Resumption 1), p. 3 (Mali); p. 7 (Namibia); and p. 10 (Japan).

¹⁶⁵ S/PV.4327, p. 23 (United States); S/PV.4327 (Resumption 1), p. 2 (Norway); and p. 4 (Colombia).

¹⁶⁶ S/PV.4327, p. 9.

¹⁶⁷ Ibid., p. 12 (France); p. 14 (Ukraine); pp. 16-17 (China); and p. 19 (Russian Federation); S/PV.4327 (Resumption 1), p. 4 (Colombia); and p. 8 (Egypt).

¹⁶⁸ S/PV.4327, p. 18 (United Kingdom); and p. 22 (Singapore); S/PV.4327 (Resumption 1), p. 2 (Norway); p. 3 (Mali); and p. 9 (Japan).

¹⁶⁹ S/PV.4327 (Resumption 1), pp. 10-11.

¹⁷⁰ S/PV.4327, pp. 11-12 (France); p. 13 (Ukraine); p. 15 (Jamaica); p. 18 (United Kingdom); and p. 24 (Ireland); S/PV.4327 (Resumption 1), p. 3 (Mali).

¹⁷¹ S/PV.4327, p. 8.

¹⁷² S/PV.4327 (Resumption 1), p. 6.

¹⁷³ Ibid., p. 12.

¹⁷⁴ S/PV.4327, p. 12 (France); p. 13 (Ukraine); p. 20 (Mauritius); p. 25 (Ireland); and p. 26 (Tunisia); S/PV.4327 (Resumption 1), p. 2 (Norway); and p. 4 (Colombia).

¹⁷⁵ S/PV.4327, p. 20 (Mauritius); S/PV.4327 (Resumption 1), p. 3 (Mali).

face in such an expanded operation.¹⁷⁶ The representative of the Democratic Republic of the Congo called on the Council to approve the transition and requested that the mandate of MONUC be redefined to endow it with a clear enforcement capacity. Moreover, he indicated that the withdrawal activities of foreign troops called for increased civilian, military and associated staff, so that the Mission could successfully carry out its tasks. Lastly, he invited MONUC to intensify its deployment in the eastern part of the Democratic Republic of the Congo.¹⁷⁷

A number of speakers endorsed the proposal to expand substantially the civilian components of MONUC.¹⁷⁸ Noting that the Mission did not have either the mandate or the resources to protect civilians, the representative of Singapore held that MONUC could “at the very minimum” perform a monitoring role, by alerting the Council of any serious threat to the security of civilians.¹⁷⁹ The representative of Ireland welcomed the proposal to deploy a civilian component to advise and assist the local authorities in discharging their duty to ensure the security of the population.¹⁸⁰ The representative of the Russian Federation believed that the new MONUC civilian police contingent would have to play a useful role in planning the Mission’s future tasks.¹⁸¹

Regarding the existing limit for the number of MONUC personnel, the representative of Namibia expressed hope that the threshold would be set higher, taking into account the many functions entrusted upon the Mission.¹⁸² Similarly, the representative of Uganda believed that the MONUC force was too small for the area which it was expected to cover.¹⁸³ On the other hand, the representative of the Russian Federation expressed support for extending the mandate of MONUC while maintaining the existing level of the maximum agreed strength of the Mission’s military component, which would allow for adequate

preparation for the onset of phase III.¹⁸⁴ In addition, the representative of Mauritius held the view that during the transition to phase III, MONUC should attain the ceiling of 5,537 set under phase II.¹⁸⁵

At its 4329th meeting, on 15 June 2001, the Council again included in its agenda the eighth report of the Secretary-General on MONUC, dated 8 June 2001.¹⁸⁶ The President (Bangladesh) again drew attention to the report of the Security Council mission to the Great Lakes region, 15 to 26 May 2001.¹⁸⁷

The President then drew the attention of the Council to a draft resolution;¹⁸⁸ it was put to the vote and adopted unanimously and without debate as resolution 1355 (2001), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Reiterated its urgent call on all parties to the Lusaka Ceasefire Agreement to implement this agreement, as well as the agreements reached in Kampala and Harare and all relevant Security Council resolutions; decided to extend the mandate of MONUC until 15 June 2002, and also decided to review progress at least every four months based on reporting by the Secretary-General;

Requested the Secretary-General to submit to the Council, once all necessary information had been provided by the parties to the Lusaka Ceasefire Agreement, and subject to the continuing cooperation of the parties, proposals concerning the way MONUC could assist in, monitor and verify the implementation by the parties of the plans referred to above;

Approved the updated concept of operations put forward by the Secretary-General in paragraphs 84 to 104 of his report of 8 June 2001, including, for further planning purposes, the creation of a civilian police component and of an integrated civilian/military section to coordinate disarmament, demobilization, repatriation and reintegration operations, the strengthening of the MONUC presence in Kisangani, and the strengthening of the MONUC logistic support capability to support current and foreseen future deployment, with a view to preparing the transition towards the third phase of the deployment of MONUC after the necessary information had been provided by the parties;

Requested the Secretary-General to expand the civilian component of MONUC in order to assign to areas in which MONUC was deployed human rights personnel, so as to establish a human rights monitoring capacity, as well as civilian political affairs and humanitarian affairs personnel.

¹⁷⁶ S/PV.4327 (Resumption 1), p. 8.

¹⁷⁷ S/PV.4327, pp. 10-11.

¹⁷⁸ *Ibid.*, p. 13 (Ukraine); p. 18 (United Kingdom); p. 25 (Ireland); and p. 26 (Tunisia); S/PV.4327 (Resumption 1), p. 2 (Norway); p. 10 (Japan); and p. 15 (Bangladesh).

¹⁷⁹ S/PV.4327, p. 22.

¹⁸⁰ *Ibid.*, p. 25.

¹⁸¹ *Ibid.*, p. 19.

¹⁸² S/PV.4327 (Resumption 1), p. 6.

¹⁸³ *Ibid.*, p. 14.

¹⁸⁴ S/PV.4327, p. 19.

¹⁸⁵ *Ibid.*, p. 20.

¹⁸⁶ S/2001/572.

¹⁸⁷ S/2001/521 and Add.1.

¹⁸⁸ S/2001/587.

**Decision of 24 July 2001 (4349th meeting):
statement by the President**

At its 4348th meeting,¹⁸⁹ on 24 July 2001, the Council included in its agenda a briefing by Mr. Kamel Morjane, Special Representative of the Secretary-General in the Democratic Republic of the Congo and Head of MONUC.

The Council was briefed by the Secretary-General and his Special Representative. In addition to all Council members, the representatives of Belgium (on behalf of the European Union¹⁹⁰), the Democratic Republic of the Congo, Namibia, Rwanda and Zimbabwe made statements.

The Secretary-General outlined several positive developments in the Democratic Republic of the Congo, but cautioned that the peace process was not yet irreversible. He elaborated on the various challenges that remained, which included the outcome of the inter-Congolese dialogue. He further underlined the need for progress in the disarmament, demobilization, repatriation, resettlement and reintegration process and called attention to the “appalling” humanitarian and human rights situation. He commended the efforts of the Facilitator of the inter-Congolese dialogue. He called for the continued resolve of the Council in support of the peace process.¹⁹¹

In his briefing, the Special Representative concurred that peace was not yet certain in spite of great prospects and real opportunities for a successful conclusion to the efforts to restore peace and security in the Democratic Republic of the Congo. As positive signs, he pointed to the respect for the ceasefire, the disengagement and redeployment of forces even if not yet fully accomplished, the political changes in Kinshasa, preparations for the inter-Congolese dialogue, and the deployment of military contingents of MONUC. Citing the recalcitrance of certain parties and the temptation to preserve the status quo as indications of threats to the peace, he underlined the

importance of confidence-building and continued dialogue among the parties. He further declared that the countries in the region had to reconcile their security concerns and requirements for regional stability with the need to respect the territorial integrity of the Democratic Republic of the Congo. He indicated that the preparations for the disarmament, demobilization, repatriation, resettlement and reintegration plan for armed groups, as well as for the withdrawal of foreign forces, required the total cooperation of the parties with MONUC and the Joint Military Commission. Lastly, he welcomed the initiatives of the Governments of Uganda and Namibia to withdraw their troops from the Democratic Republic of the Congo.¹⁹²

Most speakers deplored the lack of progress in the demilitarization of Kisangani and the fact that RCD, which was required to withdraw from Kisangani under resolution 1304 (2000), had not done so. In that regard, the representative of the Russian Federation, echoed by others, held that the refusal of RCD to comply with its obligations had reached a point where the Council had to consider additional measures to ensure the demilitarization of Kisangani, such as the denial of entry visas to the leadership of RCD.¹⁹³ The argument made by RCD that its military presence was necessary to protect citizens was refuted by the representatives of the United States and Zimbabwe.¹⁹⁴ A number of representatives concurred that a demilitarized Kisangani would require a strengthened MONUC contingent.¹⁹⁵ The representative of the Democratic Republic of the Congo believed that, in order to preserve its credibility and prevent the peace process from being called into question, the Council had to implement the measures it had proposed, so that the reluctant parties which had not yet complied with the relevant Council resolutions would be induced to do so, including by taking measures as authorized by Articles 39 to 42 of the Charter.¹⁹⁶

Most speakers stressed the need to make progress in the disarmament, demobilization, repatriation,

¹⁸⁹ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

¹⁹⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

¹⁹¹ S/PV.4348, pp. 2-3.

¹⁹² *Ibid.*, pp. 3-5.

¹⁹³ *Ibid.*, p. 18 (Russian Federation); S/PV.4348 (Resumption 1), p. 2 (Namibia); and p. 3 (Zimbabwe).

¹⁹⁴ S/PV.4348, p. 19 (United States); S/PV.4348 (Resumption 1), p. 3 (Zimbabwe).

¹⁹⁵ S/PV.4348, p. 10 (Bangladesh); p. 11 (Mali); p. 19 (United States); and p. 26 (China).

¹⁹⁶ *Ibid.*, p. 31.

resettlement and reintegration process, highlighting the role of MONUC in facilitating it, and some representatives called for enhancing the Mission's role in that regard.¹⁹⁷ The representative of the United States declared that the first step of the disarmament process would be the cessation of giving arms to the various groups and called on the Government of the Democratic Republic of the Congo to immediately cease support to "negative forces". He further insisted that the remedy for the lack of progress was not for the United Nations to assume a greater role, but for the parties to recognize their common interests and make that progress a reality.¹⁹⁸

A number of representatives believed that MONUC should be expanded, so that it could properly carry out its tasks.¹⁹⁹ The representative of China believed that phase III of the deployment of MONUC represented a crucial step in consolidating durable peace in the Democratic Republic of the Congo.²⁰⁰

The representative of Singapore pointed out that one way of expediting the move to phase III was for the parties concerned to show a greater commitment to the process. Recalling that the Mission's mandate did not permit it to assume responsibility for the safety of civilians, he stressed that the Congolese parties had to assume their responsibility for the maintenance of law and order and for the safety and security of civilians under their de facto control.²⁰¹ The representative of Bangladesh questioned whether the Council could continue to say that MONUC could not provide security to civilians with respect for resolutions 1265 (1999) and 1296 (2000) and stressed that entry into the third phase of the Mission could not be delayed.²⁰² The representative of the Democratic Republic of the Congo hoped that the Council would increase the military personnel of MONUC devoted to monitoring the withdrawal of foreign troops.²⁰³

During the course of the discussion, the speakers noted, inter alia, their satisfaction with the progress made so far in the peace process; called on all the

parties to respect the Lusaka Ceasefire Agreement; reiterated their demand for the full and orderly withdrawal of foreign troops from Congolese territory; emphasized the importance of the inter-Congolese dialogue; saluted the recent meeting of the Presidents of the Democratic Republic of the Congo and Rwanda; expressed concern at the resumption of activities of armed groups in the eastern part of the Democratic Republic of the Congo; expressed serious concern at the humanitarian situation and urged the parties to allow freedom of movement and access to humanitarian agencies and non-governmental organizations; condemned the violations of human rights and called for an end to impunity; and voiced support for the organization of an international conference on peace, security and development in the Great Lakes region.

At the 4349th meeting, on 24 July 2001, the President (China) made a statement on behalf of the Council,²⁰⁴ by which the Council, inter alia:

Stated that it was unacceptable that, more than one year after the adoption of its resolution 1304 (2000) containing the demand to completely demilitarize Kisangani, reiterated in resolution 1355 (2001), RCD had thus far failed to comply with it;

Called on RCD to implement fully and immediately its obligation under resolution 1304 (2000), and noted that continued failure to do so might have future implications;

Urged the relevant parties to expedite the conclusion of their investigation into the killing of six staff of the International Committee of the Red Cross (ICRC) in the eastern Democratic Republic of the Congo, to report their findings to ICRC and to bring the perpetrators to justice;

Stressed the importance of the work of the United Nations Humanitarian Coordinator;

Expressed serious concern over the activities of the armed groups in the east of the country; requested the donor community, in particular the World Bank and the European Union, to provide financial and in-kind contributions as soon as possible to MONUC in the implementation of the mission.

Decision of 5 September 2001 (4365th meeting): statement by the President

At its 4361st meeting, on 30 August 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, as well as by the representatives

¹⁹⁷ Ibid., p. 8 (Tunisia); and p. 22 (Jamaica).

¹⁹⁸ Ibid., p. 19.

¹⁹⁹ Ibid., p. 10 (Bangladesh); p. 12 (Mali); and p. 15 (Mauritius); S/PV.4348 (Resumption 1), p. 2 (Namibia); and p. 4 (Zimbabwe).

²⁰⁰ S/PV.4348, p. 26.

²⁰¹ Ibid., p. 17.

²⁰² Ibid., p. 10.

²⁰³ Ibid., p. 29.

²⁰⁴ S/PRST/2001/19.

of Belgium (on behalf of the European Union²⁰⁵), the Democratic Republic of the Congo, Namibia and Rwanda. The President (Colombia) drew attention to a number of communications.²⁰⁶

In his briefing, the Assistant Secretary-General indicated that the situation in the Democratic Republic of the Congo continued to be favourable in many respects, although some warning signs persisted. On the positive side, he drew attention to the continuation of the ceasefire along the confrontation line since January; the disengagement of forces from that line and their redeployment to new defensive positions; the continued withdrawal of Namibian and Ugandan forces; and the new agreement reached at the preparatory meeting in Gaborone that the inter-Congolese dialogue was to be convened in Addis Ababa in October 2001. On the negative side, he outlined several issues of concern: the continued fighting in the east; the need to demilitarize Kisangani; serious human rights violations; and poor humanitarian conditions. With respect to the disarmament, demobilization, repatriation, resettlement and reintegration process, he stressed that its success depended on the parties' willingness to reach an agreement on a clear and predictable political framework. Lastly, he indicated that the Secretary-General would make proposals on the measures necessary for the deployment of phase III of MONUC at a later date.²⁰⁷

²⁰⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

²⁰⁶ Letter dated 1 August 2001 from the representative of the Democratic Republic of the Congo to the President of the Council transmitting a press release issued by his Government denouncing the decision of the Executive Committee of RCD-Goma to establish so-called "federalism" in Congolese territories under Rwandan and Ugandan occupation (S/2001/759); letter dated 8 August 2001 from the representative of Rwanda to the President of the Council in response to the letter dated 1 August from the representative of the Democratic Republic of the Congo (S/2001/774); and letter dated 17 August 2001 from the representative of Belgium to the Secretary-General transmitting a statement on the opening of the inter-Congolese dialogue issued on 17 August 2001 by the Presidency of the European Union on behalf of the European Union (S/2001/815).

²⁰⁷ S/PV.4361, pp. 2-5.

The majority of speakers took note of the Gaborone meeting and welcomed the parties' decision to convene the inter-Congolese dialogue. At the same time, many speakers emphasized that priority should be given to the disarmament, demobilization, repatriation, resettlement and reintegration process. The representative of the United Kingdom urged MONUC to be as proactive as possible and to make use of opportunities that might arise to advance that process.²⁰⁸

A number of speakers reiterated calls for the full and speedy withdrawal of foreign troops and in that regard welcomed the ongoing withdrawal of Namibian and Ugandan troops.²⁰⁹ The representative of Namibia declared that the withdrawal of Namibian troops was on schedule and proceeding well.²¹⁰ The representative of Singapore, praising the withdrawal of troops by Uganda and Namibia as a step forward, drew attention to reports that those forces continued to operate through rebel groups and militia proxies.²¹¹

A number of representatives again urged the Council to launch the deployment of phase III of MONUC.²¹² The representative of France was of the view that only once the parties agreed on the political framework, the international community should provide assistance to the disarmament, demobilization, repatriation, resettlement and reintegration programme, and then the Council would be able to reflect on and provide support for phase III.²¹³ Several speakers also reiterated their appeal to the Council to consider an increase in MONUC personnel, so that the Mission could carry out the tasks assigned to it.²¹⁴ In the view of the representative of Singapore, MONUC should be given the means to carry out its duties, as mandated under resolution 1291 (2001).²¹⁵ The representative of Tunisia also maintained that MONUC in phase III would require all the resources necessary to carry out

²⁰⁸ *Ibid.*, p. 18.

²⁰⁹ *Ibid.*, p. 11 (Jamaica, Russian Federation); p. 12 (Ireland); p. 17 (Tunisia); p. 19 (Ukraine); p. 21 (Colombia); and p. 23 (Democratic Republic of the Congo).

²¹⁰ *Ibid.*, p. 27.

²¹¹ *Ibid.*, p. 15.

²¹² *Ibid.*, p. 8 (Mali); p. 23 (Democratic Republic of the Congo); and p. 27 (Namibia).

²¹³ *Ibid.*, p. 6.

²¹⁴ *Ibid.*, p. 6 (France); p. 9 (Mauritius); p. 15 (Bangladesh); and p. 19 (Ukraine).

²¹⁵ *Ibid.*, p. 16.

the “very complex and often dangerous tasks” assigned to it.²¹⁶ A number of speakers considered it essential that the parties continued to cooperate with MONUC, in view of threats and attacks against MONUC personnel, including the firing at a MONUC helicopter in the eastern part of the Democratic Republic of the Congo.²¹⁷

The majority of representatives deplored the lack of progress in demilitarizing Kisangani, which had been demanded in resolution 1304 (2000). While calling for the demilitarization of the city, the representative of France contended that this obligation would not affect the civilian presence of RCD-Goma, which could continue to administer the city until the crisis was resolved, and demanded that RCD-Goma withdraw its military force.²¹⁸ The representative of the United States reinforced this view, noting that the Kampala disengagement plan gave RCD-Goma the right to administer the town until new national structures could assume that function, and requested the Secretary-General to launch the process of implementing resolution 1304 (2000), in cooperation with the RCD leadership.²¹⁹

The representative of France believed that the Council should implement appropriate measures to end the illegal exploitation of natural resources.²²⁰ Other speakers also expressed their concern at the illegal exploitation of natural resources.²²¹

At the 4365th meeting,²²² on 5 September 2001, the President (France) made a statement on behalf of the Council,²²³ by which the Council, *inter alia*:

Welcomed the success of the preparatory meeting of the inter-Congolese dialogue, held in Gaborone from 20 to 24 August 2001;

Reiterated its strong support for the inter-Congolese dialogue and for the efforts of the Facilitator and his team in the field;

²¹⁶ *Ibid.*, p. 17.

²¹⁷ *Ibid.*, p. 6 (France); p. 8 (Norway); pp. 9-10 (Mauritius); p. 15 (Bangladesh); p. 16 (Singapore); and p. 26 (Belgium).

²¹⁸ *Ibid.*, p. 6.

²¹⁹ *Ibid.*, p. 20.

²²⁰ *Ibid.*, pp. 6-7.

²²¹ *Ibid.*, p. 9 (Mauritius); p. 13 (China); and p. 17 (Tunisia).

²²² At the 4364th meeting, held in private on 5 September 2001, the Council was briefed by the Facilitator of the inter-Congolese dialogue.

²²³ S/PRST/2001/22.

Called on all the Congolese parties to further cooperate with each other and the Facilitator in the constructive spirit of Gaborone to ensure the successful outcome of the inter-Congolese dialogue starting on 15 October 2001, in Addis Ababa;

Stressed the importance for the dialogue to be free from outside interference, open, representative and inclusive, and emphasized the need to ensure adequate representation of Congolese women in the process.

**Decision of 24 October 2001 (4396th meeting):
statement by the President**

At its 4395th meeting, on 24 October 2001, the Council included in its agenda the ninth report of the Secretary-General on MONUC, dated 16 October 2001.²²⁴ In his report, the Secretary-General indicated that, despite difficulties, the overall situation in the Democratic Republic of the Congo continued to be favourable. The ceasefire along the confrontation lines had continued to hold since January and the disengagement of forces and their redeployment to the new defensive position was almost complete. Welcoming the withdrawal of Namibian and many of the Ugandan troops, he encouraged Uganda to complete the repatriation of its remaining forces from the Democratic Republic of the Congo. Noting that outbreaks of fighting still occurred in the east, he emphasized that any military and logistical support provided to armed groups had to cease without delay. He saluted the announcement made by the Government of Rwanda that it was prepared to reintegrate the Rwandan former combatants. Commending the neutral Facilitator of the inter-Congolese dialogue for the success of the Gaborone meeting, he stressed that the Congolese parties had to demonstrate their continuing commitment to the dialogue and cooperate fully with the Facilitator and his team. He further recommended that the Council authorize MONUC to enter phase III of its deployment. Noting that the initial deployment would remain within the limit authorized by resolution 1291 (2000), he reported that preparations were under way for the recruitment and deployment of adequate numbers of United Nations civilian personnel to accompany the military deployment. Taking into consideration the complex situation in the eastern part of the Democratic Republic of the Congo where Burundian armed groups were present, he believed that it was time for the parties to the Lusaka process to

²²⁴ S/2001/970, submitted pursuant to resolution 1355 (2001).

explore means of associating Burundi more closely with the peace process in the Democratic Republic of the Congo.

At the meeting, the President (Ireland) drew attention to a letter dated 23 October 2001 from the representative of the Democratic Republic of the Congo.²²⁵ The Council was briefed by the Special Representative of the Secretary-General. Statements were made by all Council members, the representatives of Belgium (on behalf of the European Union²²⁶), the Democratic Republic of the Congo,²²⁷ Mozambique, Namibia, Zambia and Zimbabwe.

In his briefing, the Special Representative detailed that the Secretary-General's plan for the third phase was to deploy MONUC personnel in the east of the Democratic Republic of the Congo. Envisaged to remain within the strength authorized by resolution 1291 (2000), MONUC would establish a secure base from which civilian personnel dealing with disarmament, demobilization, repatriation and reintegration, human rights issues and humanitarian assistance could carry out their work. MONUC would also continue to work on plans for the withdrawal of foreign forces and assist efforts to open the Congo River. It was expected that the Mission's presence would have a normalizing and stabilizing effect on the situation in the eastern part of the Democratic Republic of the Congo. Regarding the inter-Congolese dialogue that had begun in Addis Ababa on 15 October, he informed the Council of objections raised by the Government of the Democratic Republic of the Congo regarding the reduced number of participants, which led to a postponement of the discussion until a later date.²²⁸

The representative of the Democratic Republic of the Congo, *inter alia*, called on the Council to take measures to ensure that Rwanda and RCD met their

obligations under the Lusaka Agreement and resolution 1355 (2000) to demilitarize Kisangani and assured that his Government would not to occupy the city once it was demilitarized. Noting that the national dialogue had lost its inclusive character in the format used at Addis Ababa, he reaffirmed his Government's commitment to resume peace talks in the upcoming weeks in South Africa and implement both the political and military chapters of the Lusaka Agreement. He expressed support for the Secretary-General's recommendation that the Council authorize MONUC to start phase III of its deployment and insisted on the need for an increase in the number of MONUC personnel beyond the number set by resolution 1291 (2000). He announced that his Government, for its part, was unilaterally trying to find a solution for the disarmament, demobilization, repatriation, resettlement and reintegration of Rwandan citizens and, in that connection, had started to disarm and canton 3,000 individuals from armed groups of Rwandese origin in Kamina. Lastly, he declared that his Government would continue to commit itself to the Arusha process for Burundi.²²⁹

The majority of speakers expressed their support for the deployment of the third phase of MONUC and the revision of its concept of operations. The representative of China held that such a step-by-step deployment would not only have symbolic value for peace in the Democratic Republic of the Congo and the region, but also have practical significance.²³⁰ In contrast, the representative of Namibia believed that the step-by-step approach proposed by the Secretary-General was too cautious and too limited in scope given the size of the country and the demands of the peacekeeping operation itself. He and the representative of Mozambique argued for a full-fledged deployment of phase III with an adequate level of force and resources.²³¹

Several representatives expressed concern at the continued fighting in the east of the Democratic Republic of the Congo and welcomed the MONUC deployment to that region.²³² While the representative of France believed that the Mission's presence in the eastern part of the country should be increased so that

²²⁵ S/2001/998, transmitting the position expressed by the Government of the Democratic Republic of the Congo at the end of the meeting in Addis Ababa on national dialogue.

²²⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

²²⁷ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

²²⁸ S/PV.4395, pp. 2-4.

²²⁹ *Ibid.*, pp. 4-9.

²³⁰ *Ibid.*, p. 17.

²³¹ *Ibid.*, p. 27 (Namibia); and p. 30 (Mozambique).

²³² *Ibid.*, p. 11 (Tunisia); p. 14 (Mauritius); p. 18 (Jamaica); p. 22 (Singapore); and p. 30 (Mozambique).

it could better support the disarmament, demobilization, repatriation, resettlement and reintegration programme, the representative of Singapore stressed that before MONUC was to establish such a presence, it should be given the appropriate means, and conditions conducive to achieving its objectives should be in place.²³³ The representatives of China and the Russian Federation believed it was the responsibility of the parties to the conflict to create an enabling environment for MONUC and to cooperate with the Mission.²³⁴ In that respect, the representative of Belgium urged the parties to provide MONUC the necessary information on the number, composition and exact positions of the armed groups in the field.²³⁵ Similarly, the representative of France observed that MONUC had to establish contact, and then a regular and trustworthy relationship, with those armed groups about which information was still lacking.²³⁶ The representative of Colombia stated that the parties should take the deployment of phase III of MONUC as a sign of the Council's intention to move forward despite the difficulties.²³⁷

Most speakers reiterated the necessity that foreign troops withdraw from the territory of the Democratic Republic of the Congo. Several representatives noted that the withdrawal of the Namibian troops should be an example for other States and appealed to the Governments of Uganda and Rwanda to accelerate the withdrawal of their troops.²³⁸ With the deployment of phase III of MONUC, the representative of Tunisia expected the process of withdrawal to take place at an accelerated pace.²³⁹

The majority of representatives held that the disarmament, demobilization, repatriation, resettlement and reintegration process required the cooperation of all parties and encouraged continued dialogue between the leadership of the Democratic Republic of the Congo and that of Rwanda. Several representatives added that, for that process to be successful, all support to armed groups had to end.²⁴⁰

Noting the heightened tension in Burundi and between Rwanda and Uganda, the representative of France agreed with the Secretary-General's view that the situation in Burundi should be associated more closely with the Congolese peace process.²⁴¹ The representative of Tunisia encouraged "intensified" dialogue between the Democratic Republic of the Congo and Burundi.²⁴²

At its 4396th meeting, on 24 October 2001, the Council again included in its agenda the ninth report of the Secretary-General on MONUC, dated 16 October 2001.²⁴³

The President (Ireland) made a statement on behalf of the Council.²⁴⁴ by which the Council, inter alia:

Welcomed the recommendations of the Secretary-General on the next phase in the deployment of MONUC;

Supported the initiation of phase III within the current mandated ceiling;

Reminded the parties to the conflict that it was up to them to create and to maintain the conditions conducive to the start of phase III of MONUC and a decision on the future of phase III of MONUC would be taken after ascertaining that the parties were advancing the peace process;

Recalled the importance it placed on the implementation of the Lusaka Ceasefire Agreement and the relevant resolutions of the Council.

Decision of 9 November 2001 (4412th meeting): resolution 1376 (2001)

At its 4410th meeting, on 9 November 2001, the Council was briefed by the Secretary-General. Statements were made by the representative of Angola, in his capacity as Chairman of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement, and the President of the Security Council (Jamaica).²⁴⁵

p. 20 (Norway).

²⁴¹ Ibid., p. 10.

²⁴² Ibid., p. 11.

²⁴³ S/2001/970.

²⁴⁴ S/PRST/2001/29.

²⁴⁵ The representatives of Angola, Burundi, the Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zambia and Zimbabwe were invited to participate but did not make statements. Angola, Zambia and Zimbabwe were represented by their respective Ministers for Foreign Affairs; Burundi by its Minister for Foreign Affairs and Cooperation; the Democratic Republic of the

²³³ Ibid., pp. 9-10 (France); and p. 22 (Singapore).

²³⁴ Ibid., p. 17 (China); and p. 23 (Russian Federation).

²³⁵ Ibid., pp. 25-26.

²³⁶ Ibid., p. 10.

²³⁷ Ibid., p. 19.

²³⁸ Ibid., pp. 23-24 (Bangladesh); p. 26 (Belgium); and p. 29 (Zambia).

²³⁹ Ibid., p. 11.

²⁴⁰ Ibid., p. 12 (United Kingdom); p. 16 (United States); and

Recalling his proposal for the commencement of phase III deployment of MONUC, the Secretary-General stressed that a number of issues had to be addressed for the deployment to be successful: ending the fighting in the east of the Democratic Republic of the Congo; enabling the voluntary return of all former combatants to their homes; reaching an understanding on the disarmament, demobilization, repatriation, resettlement and reintegration process; and demilitarizing Kisangani. He indicated that the deployment of MONUC in Kindu was aimed at creating a climate of security to encourage the armed groups to disarm, and noted with concern the decision of RCD and MLC to establish a special joint force based in Kindu. He further stated that the withdrawal of the Namibian and Ugandan troops from the territory of the Democratic Republic of the Congo was encouraging and urged the Governments of Angola, Zimbabwe and Rwanda to speed up preparations for the rapid withdrawal of their respective troops. He saluted the reopening of the Congo River and urged the members of the Political Committee to support the Facilitator of the inter-Congolese dialogue. Lastly, he urged the Congolese parties to continue efforts to improve human rights in the areas under their control.²⁴⁶

Speaking in his capacity as Chairman of the Political Committee, the representative of Angola noted that the upholding of the ceasefire, despite some setbacks, demonstrated the will of the parties to end the conflict in the Democratic Republic of the Congo. Nonetheless, the ongoing military activities in the east threatened the ceasefire and risked igniting a new round of hostilities. He believed that the solution should not be limited to the suspension of military aid to armed groups, but should provide also the conditions and guarantees for the disarmament, demobilization, repatriation, resettlement and reintegration of all armed groups living in the Democratic Republic of the Congo. As the implementation of the Lusaka Agreement progressed, he believed that the United Nations would need to become more involved in the

Congo by its Minister for Foreign Affairs and International Cooperation; Namibia by its Deputy Minister for Foreign Affairs, Information and Broadcasting; Rwanda by the Special Envoy of the President of Rwanda; and Uganda by its Deputy Prime Minister and Minister for Foreign Affairs.

²⁴⁶ S/PV.4410, pp. 2-3.

Democratic Republic of the Congo, in order to accelerate the return of peace.²⁴⁷

The President (Jamaica), speaking on behalf of the Council, remarked that MONUC had had an important effect on the peace process and announced that the concept of operations for the deployment of phase III was under the Council's serious consideration. Pointing out the interlinkages between the conflicts in Burundi and the Democratic Republic of the Congo, he held that a solution to the conflict in the Democratic Republic of the Congo had to be pursued at the regional level. He believed that there were several key issues which needed to be resolved in order to achieve sustainable peace: developing a credible plan for disarmament, demobilization, repatriation, resettlement and reintegration; creating a comprehensive plan for the full withdrawal of all foreign forces; demilitarizing Kisangani; making progress in the inter-Congolese dialogue; and addressing the illegal exploitation of natural resources.²⁴⁸

At the 4412th meeting,²⁴⁹ on 9 November 2001, the representative of Belgium (on behalf of the European Union²⁵⁰) made a statement, in which he emphasized the importance of the coordinating meeting between the Council and the Political Committee in view of the disappointing developments on the ground. At a time when the United Nations was preparing to enter phase III deployment of MONUC and to mobilize additional resources, the parties to the conflict had to show their firm commitment to the peace process. He emphasized that the disarmament, demobilization, repatriation, resettlement and reintegration programme had to be carried in a systematic way and on a voluntary and peaceful basis. Noting that disengagement was the first step in the process of withdrawal of foreign forces, he emphasized the need to demilitarize Kisangani. He further expressed satisfaction at the withdrawal of Namibian troops and

²⁴⁷ *Ibid.*, pp. 3-4.

²⁴⁸ *Ibid.*, pp. 5-6.

²⁴⁹ At the 4411th meeting, held in private on 9 November 2001, the members of the Council and the members of the Political Committee had a frank and constructive discussion.

²⁵⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

encouraged the other Governments to expedite preparations for withdrawing their troops in accordance with resolution 1304 (2000). Regarding the inter-Congolese dialogue and the “poor” result of the Addis Ababa meeting, he urged the parties to hold further meetings to revive the peace process. Lastly, he deplored the violations of human rights and urged the signatory parties to the Lusaka Agreement to continue the peace process.²⁵¹

The President (Jamaica) drew the attention of the Council to a draft resolution;²⁵² it was put to the vote and adopted unanimously as resolution 1376 (2001), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, inter alia:

Demanded once again that Kisangani be demilitarized rapidly and unconditionally in accordance with Security Council resolution 1304 (2000);

Stressed that progress in the peace process and the economic recovery and development of the country were interdependent, and in that regard underlined the urgent need for increased international economic assistance in support of the peace process;

Reiterated its condemnation of all illegal exploitation of the natural resources of the Democratic Republic of the Congo, demanded that such exploitation cease and stressed that the natural resources of the Democratic Republic of the Congo should not be exploited to finance the conflict in that country;

Supported the launching of phase III of the deployment of MONUC and stressed, in that regard, the importance it attached to the deployment of MONUC in the east of the Democratic Republic of the Congo, in conformity with the new concept of operation and within the overall ceiling, including in the cities of Kindu and Kisangani;

Stressed that appropriate conditions would be necessary to allow MONUC to fulfil its role in Kindu and to ensure that discussions on the voluntary disarmament and demobilization of concerned armed groups took place in a neutral environment;

Affirmed that the implementation of phase III of the deployment of MONUC required steps from the parties and requested the Secretary-General to report on progress thereon.

Decision of 19 December 2001 (4441st meeting): statement by the President

At its 4437th meeting, on 14 December 2001, the Council included in its agenda a letter dated

²⁵¹ S/PV.4412, pp. 2-3.

²⁵² S/2001/1058.

10 November 2001 from the Secretary-General to the President of the Council, transmitting the addendum to the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.²⁵³

In the addendum to the report, the Panel noted that the primary and fundamental reason for the continuing and systematic exploitation of natural resources was the collapse of all State institutions and structures of the Democratic Republic of the Congo. While the conflict continued, the ceasefire was generally respected on the front line, leaving the exploitation of natural resources as the main activity of foreign troops and different armed groups. The Panel concluded that the military operations and presence in the Democratic Republic of the Congo had been transformed into self-financing activities, whereby no real budgetary burden was borne by the parties concerned and that the initial political and security-related motivation of foreign countries to intervene in the Democratic Republic of the Congo had been replaced by the motivation to extract the maximum commercial and material benefits. In that context, the Panel made a number of institutional recommendations, including that all concessions, commercial agreements and contracts signed since 1997 in rebel-held areas be reviewed and revised under the auspices of a special body created by the Council, and that MONUC accelerate the disarmament, demobilization and reintegration process in order to reduce the security concerns expressed by a number of States in the region. The Panel also made recommendations of a financial and technical nature, proposing that the World Bank, the International Monetary Fund (IMF) and other international donors consider submitting to the Council their assessment of the role of their assistance in helping to finance the continuation of the conflict and the maintenance of the status quo in the Great Lakes region; a moratorium be imposed, temporarily banning the purchase and importing of certain natural resources; and revenues from the resources of the Democratic Republic of the Congo be channelled through States’ budgets and tax collection and use be rigorously controlled, transparent and accountable. The Panel suggested that the Council consider the imposition of sanctions to deter the illegal

²⁵³ S/2001/1072; the addendum to the final report was submitted pursuant to the statement by the President of 3 May 2001 (S/PRST/2001/13).

exploitation of natural resources. Pending any action from the Council, a monitoring and follow-up mechanism which would report regularly to the Council on the progress made in the exploitation activities should be established.

At the meeting, the President (Mali) drew the attention of the Council to a number of communications to the President of the Council.²⁵⁴

The Council was briefed by the Chairman of the Panel of Experts. Statements were made by all of the Council members, as well as by the representatives of Angola, Belgium (on behalf of the European Union),²⁵⁵

²⁵⁴ Letter dated 14 November 2001, by which the representative of Uganda transmitted the interim report of the Judicial Commission of Inquiry set up following a previous report of the Panel of Experts, S/2001/357 (S/2001/1080); letters dated 21 November and 10 December 2001, by which the representative of Uganda transmitted the reactions of the Government of Uganda to the addendum to the report of the Panel of Experts (S/2001/1107 and S/2001/1163); letter dated 20 November 2001, by which the representative of the Sudan conveyed the comments of his Government on the statement made on 9 November 2001 to the Council by the Minister for Foreign Affairs of Uganda (S/2001/1113); letters dated 23 November and 7 December 2001, by which the representative of Rwanda communicated his Government's reactions to the addendum to the report of the Panel of Experts (S/2001/1102 and S/2001/1161); letter dated 10 December 2001, by which the representative of Rwanda transmitted the response of his Government to the communiqué issued by the Government of the Democratic Republic of the Congo on 3 December 2001 (S/2001/1168); letter dated 3 December 2001, by which the representative of the Democratic Republic of the Congo informed the Council of the latest developments in his country which could jeopardize the peace process (S/2001/1143); letter dated 5 December 2001, by which the representative of the Democratic Republic of the Congo transmitted a note of his Government on the report and addendum to the report of the Panel of Experts (S/2001/1156); letter dated 6 December 2001, by which the representative of the Democratic Republic of the Congo conveyed the report of the National Experts Commission on the illegal exploitation of natural resources and other wealth of the Democratic Republic of the Congo (S/2001/1175); and letter dated 13 December 2001, by which the representative of Burundi transmitted the position of his Government on the report of the Panel of Experts (S/2001/1197).

²⁵⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia,

Burundi, Canada, the Democratic Republic of the Congo, Japan, Namibia, Nigeria, Rwanda, South Africa, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe.²⁵⁶

In his briefing, the Chairman of the Panel of Experts observed that the Lusaka Agreement had not addressed the issue of economic profits derived from the occupation of the territory of the Democratic Republic of the Congo. However, in the light of the link between the exploitation of natural resources and the continuation of the conflict, he emphasized that laying the foundation for lasting peace required progress in drastically curbing the increasing exploitation of resources and redirecting the use of those resources to peaceful development for the benefit of the Congolese people. Through the establishment of a monitoring body, the United Nations could continue the international community's scrutiny of the exploitation activities. He further noted that the proposed moratorium, by stemming the profits from the exploitation of resources, would reduce what had become a powerful incentive to continue to fuel the conflict and thus legitimize the presence of thousands of foreign troops and the strengthening of rebel armies. Imposed on selected and easily detectable products, the moratorium would not have a significant impact on the Congolese people and would be implemented on a voluntary or mandatory basis, to be decided by the Council. As institutional reforms were critical to ensuring a strong State administration with the capacity and authority to safeguard and regulate its territory and reaches, he indicated that the Panel recommended that the international community assist the Democratic Republic of the Congo intensively in that area. The risks to the peace process posed by the low-intensity conflict in the eastern part of the country being considerable, the Chairman stressed the importance of disarmament, demobilization, repatriation, resettlement

Slovenia and Turkey associated themselves with the statement.

²⁵⁶ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation; Rwanda by its Adviser to the President; the United Republic of Tanzania by its Deputy Minister for Foreign Affairs and International Cooperation; Uganda by its Third Deputy Prime Minister and Minister for Foreign Affairs; and Zimbabwe by its Minister for Foreign Affairs.

and reintegration as a key element of the Lusaka Agreement.²⁵⁷

The majority of speakers agreed that the plundering of natural resources had become a driving force of the conflict and that the illegal exploitation of resources was incompatible with the peace process.

The representative of the Democratic Republic of the Congo noted that the addendum to the report had confirmed the systematic large-scale pillaging and illegal exploitation of his country's mineral resources. He observed that the illegal economic activities were self-sustaining and involved almost no financial burden on the countries concerned and expressed support for the implementation of the recommendations contained in the report.²⁵⁸

The representative of China stated that it was imperative for the Council to take appropriate measures to stop the illegal exploitation.²⁵⁹ The representative of Belgium, echoed by the representative of Nigeria, believed that the international community had to take action and set up control mechanisms and appropriate measures to halt the smuggling.²⁶⁰

A number of speakers expressed their discontent with the report's allegations of their nationals being involved in the illegal exploitation of natural resources and asked the Panel to present the evidence supporting its conclusions.²⁶¹ The representatives of the Democratic Republic of the Congo and Zimbabwe believed that the addendum inaccurately reflected the motives held by the members of SADC which had sent troops into the Democratic Republic of the Congo and their involvement in the illegal exploitation of natural resources.²⁶² The representative of Zambia contested the report's finding that military training was being conducted in refugee camps established in his country and announced that his Government had taken measures to disarm ex-combatants.²⁶³ Several

representatives expressed their disappointment with the report's claims that their Governments had not cooperated fully with the Panel.²⁶⁴ While noting that the addendum to the report completely cleared Burundi of any suspicion of involvement in the illegal exploitation of the resources of the Democratic Republic of the Congo, the representative of Burundi expressed concern at the allegation in the report that the Burundian armed groups, the front pour la défense de la démocratie (FDD) and the Forces nationales pour la libération (FNL) were receiving foreign assistance. He further reiterated his Government's willingness to negotiate a ceasefire with the FDD and FNL forces and to pursue dialogue with all neighbouring countries.²⁶⁵

Emphasizing the imperative of preserving momentum in the peace process, a number of speakers believed that the Council should first study the implications, humanitarian and economic, of imposing the moratorium suggested by the Panel.²⁶⁶ The representative of Uganda stated that the Council should move very cautiously on the issue, as such a measure would have the effect of sanctions against small farmers and artisan miners.²⁶⁷ Pointing out that a moratorium of resources from specific areas would likely be unenforceable because of the difficulty of tracking such commodities, the representative of the United States expressed doubts about the measure.²⁶⁸

The representative of Ireland declared that a voluntary moratorium on the import on specific goods might have an impact on consumers and persuaded them to pressure companies that purchased the commodities to seek alternative sources.²⁶⁹ The representative of Jamaica noted that the moratorium should be targeted not only at the countries and groups in the region, but also at the end users.²⁷⁰ The representative of Nigeria favoured the imposition of a moratorium for a specific period of time, in addition to the standardization of certificates of origin for mineral resources.²⁷¹

²⁵⁷ S/PV.4437, pp. 3-5.

²⁵⁸ *Ibid.*, pp. 5-10.

²⁵⁹ *Ibid.*, p. 36.

²⁶⁰ S/PV.4437 (Resumption 1), p. 4 (Belgium); and p. 9 (Nigeria).

²⁶¹ S/PV.4437, pp. 12-13 (Uganda); pp. 15-16 (United Republic of Tanzania); and p. 17 (Rwanda); S/PV.4437 (Resumption 1), pp. 2-3 (South Africa).

²⁶² S/PV.4437, p. 7 (Democratic Republic of the Congo); and pp. 37-42 (Zimbabwe).

²⁶³ S/PV.4437 (Resumption 1), pp. 10-11.

²⁶⁴ S/PV.4437, p. 15 (United Republic of Tanzania); S/PV.4437 (Resumption 1), pp. 2-3 (South Africa); and p. 11 (Zambia).

²⁶⁵ S/PV.4437 (Resumption 1), pp. 6-8.

²⁶⁶ S/PV.4437, p. 25 (Bangladesh); p. 27 (Mauritius); and p. 36 (Mali); S/PV.4437 (Resumption 1), p. 14 (Japan).

²⁶⁷ S/PV.4437, p. 14.

²⁶⁸ *Ibid.*, p. 31.

²⁶⁹ *Ibid.*, p. 23.

²⁷⁰ *Ibid.*, p. 25.

²⁷¹ S/PV.4437 (Resumption 1), p. 9.

Several speakers agreed with the Panel's recommendation that all concessions and commercial agreements signed since 1997 should be reviewed and revised with international assistance.²⁷² While supporting the recommendation, the representative of the United States maintained that there was no need to establish a new mechanism to carry out the review, pointing to organizations such as the World Bank and IMF which had the necessary expertise to assist.²⁷³ The representative of Uganda agreed that the contracts should be negotiated under the auspices of the Security Council, while stressing that the transitional government, which would be established as a result of the inter-Congolese dialogue, should have the sovereign responsibility to handle all matters relating to the review of contractual obligations.²⁷⁴ Similarly, the representative of the Russian Federation maintained that the process lay fully within the competence of the national authorities of the Democratic Republic of the Congo and that, if necessary, there could be discussion of involving expert assistance from IMF and the World Bank.²⁷⁵

The representative of Angola argued that the renegotiation of concessions would constitute interference in the internal affairs of that country.²⁷⁶ Similarly, the representative of Namibia declared that his Government could not support the report's recommendation on the topic which, in his view, attempted to question or discredit sovereign decisions taken by the legitimate Government of the Democratic Republic of the Congo and characterized it as "unacceptable".²⁷⁷ The representative of Mauritius noted that some of the contracts had been contracted by the legitimate and sovereign Government of the Democratic Republic of the Congo, and believed that any review of those concessions could be made only after the full implementation of the Lusaka Agreement and with the full agreement of the Government of the Democratic Republic of the Congo.²⁷⁸ The representative of Zimbabwe held that the proposal to review all concessions was introducing the concept of

"unequal treaties" and pointed out that its joint ventures in the Democratic Republic of the Congo had been a Congolese initiative.²⁷⁹

With respect to the Panel's recommendation of imposing sanctions, the representative of Bangladesh expressed hope that the parties would cooperate with the Council to avert the imposition of such measures.²⁸⁰ The representative of Mauritius believed that the Panel's recommendation to the Council to consider sanctions required thorough study.²⁸¹ In contrast, the representative of Nigeria urged the Council to consider the imposition of sanctions on any country that violated the Council resolution on the exploitation of mineral resources in the Democratic Republic of the Congo.²⁸²

Many speakers recommended the renewal of the Panel's mandate. The representative of Bangladesh held that such an extension would enable the Panel to further investigate reactions and complaints of those named in the report, as well as to examine the feasibility and possible impact of the proposed measures.²⁸³ The representative of the United States opined that, during the extension, the Panel should provide recommendations for specific actions to address the issues noted in the addendum.²⁸⁴ The representative of the Democratic Republic of the Congo was of the opinion that the Council should also strengthen the Panel's expertise to enable it to better define, mainly at a purely technical level, the responsibilities related to the illegal exploitation of natural resources in his country.²⁸⁵

At its 4441st meeting, on 19 December 2001, the Council again included in its agenda the letter dated 10 November 2001 from the Secretary-General addressed to the President of the Security Council.²⁸⁶

At the meeting, the President (Mali) made a statement on behalf of the Council,²⁸⁷ by which the Council, *inter alia*:

²⁷² S/PV.4437, p. 23 (Ireland); p. 25 (Jamaica); and p. 26 (Bangladesh); S/PV.4437 (Resumption 1), p. 5 (Belgium on behalf of the European Union).

²⁷³ S/PV.4473, p. 31.

²⁷⁴ *Ibid.*, p. 14.

²⁷⁵ *Ibid.*, p. 32.

²⁷⁶ S/PV.4437 (Resumption 1), p. 5.

²⁷⁷ *Ibid.*, pp. 12-13.

²⁷⁸ S/PV.4473, p. 27.

²⁷⁹ *Ibid.*, p. 41.

²⁸⁰ *Ibid.*, p. 26.

²⁸¹ *Ibid.*, p. 27.

²⁸² S/PV.4437 (Resumption 1), p. 9.

²⁸³ S/PV.4473, p. 26.

²⁸⁴ *Ibid.*, p. 30.

²⁸⁵ *Ibid.*, p. 9.

²⁸⁶ S/2001/1072.

²⁸⁷ S/PRST/2001/39.

Strongly condemned those activities, which were perpetuating the conflict in the country, impeding the economic development of the Democratic Republic of the Congo and exacerbating the suffering of its people, and reaffirmed the territorial integrity, political independence and sovereignty of the Democratic Republic of the Congo, including over its natural resources;

Thanked the Panel of Experts for its recommendations on the institutional, financial and technical aspects of the issue, and for its advice on possible measures to be imposed by the Security Council;

Requested the Secretary-General to renew the mandate of the Panel of Experts for a period of six months at the end of which the Panel should report to the Council;

Urged the Governments named in the previous reports to conduct their own inquiries, cooperate fully with the Panel of Experts and take the necessary steps to end all illegal exploitation of the natural resources of the Democratic Republic of the Congo, by their nationals or others under their control.

Decision of 25 February 2002 (4476th meeting): statement by the President

At its 4476th meeting,²⁸⁸ on 25 February 2002, the Council included in its agenda the tenth report of the Secretary-General on MONUC, dated 15 February 2002.²⁸⁹ In his report, the Secretary-General informed the Council that the Mission was facing difficulties in implementing the third phase of its deployment, including obstructions and delays in deploying to Kisangani and Kindu, as well as in its efforts to repatriate a group of combatants from Kamina. No major change had been observed in the positions of the countries with foreign troops stationed in the Democratic Republic of the Congo and not much progress had been achieved on the demilitarization of Kisangani. Noting that careful assessments showed that MONUC would not be able to fulfil its tasks with its existing troop strength, the Secretary-General recommended that the Council consider increasing the authorized military strength by 850 and the civilian police strength by 85 and endorse the revised concept of operations for MONUC as proposed in the report.

²⁸⁸ At the 4459th meeting, held in private on 29 January 2002, the Council and the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo had a constructive discussion.

²⁸⁹ S/2002/169, submitted pursuant to resolution 1355 (2001).

At the meeting, the President (Mexico) made a statement on behalf of the Council,²⁹⁰ by which the Council, *inter alia*:

Welcomed the tenth report of the Secretary-General on MONUC;

Stressed the importance of the inter-Congolese dialogue, which was an essential element to achieve lasting peace; and reiterated its call for the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo;

Also stressed that the disarmament, demobilization, repatriation, resettlement and reintegration process of the armed groups mentioned in chapter 9.1 of annex A to the Lusaka Ceasefire Agreement was another key element for the settlement of the conflict in the Democratic Republic of the Congo; expressed its concern at the persistent human rights violations, in particular in the east of the country and called on all parties to put an end to those violations.

Decision of 19 March 2002 (4495th meeting): resolution 1399 (2002)

By a letter dated 18 March 2002 to the President of the Council²⁹¹, the representative of the Democratic Republic of the Congo reported that, in flagrant violation of the ceasefire, troops of the Rwandan Patriotic Army (APR), assisted by elements of RCD-Goma, had besieged the town of Moliro, in Katanga province, on 16 March 2002. In that context, the Government of the Democratic Republic of the Congo called on the Council to meet urgently to, *inter alia*, demand the cessation of hostilities, the strict implementation of the Lusaka Ceasefire Agreement and the immediate and unconditional withdrawal of Rwandan troops.

The 4495th meeting of the Council was held on 19 March 2002, in response to that request and included the letter in the agenda.

At the meeting, at which no statements were made and the representative of the Democratic Republic of the Congo was invited to participate, the President (Norway) drew attention to a letter dated 18 March 2002 from the representative of Rwanda to the President of the Council.²⁹²

²⁹⁰ S/PRST/2002/5.

²⁹¹ S/2002/286.

²⁹² S/2002/287, transmitting the reactions of Rwanda to the attitude of the Government of the Democratic Republic of the Congo regarding the inter-Congolese dialogue in Sun City, and a statement by the Government of Rwanda

The President also drew attention to a draft resolution;²⁹³ it was adopted unanimously as resolution 1399 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo posed a threat to international peace and security in the region, inter alia:

Condemned the resumption of fighting in the Moliro pocket, and the capture of Moliro by RCD-Goma, and stressed that that was a major violation of the ceasefire;

Demanded that RCD-Goma troops withdraw immediately and without condition from Moliro and also demanded that all parties withdraw to the defensive positions called for in the Harare disengagement sub-plans;

Demanded also that RCD-Goma withdraw from Pweto and that all other parties also withdraw from locations they occupied in contravention of the Kampala and Harare disengagement plan;

Called on Rwanda to exert its influence on RCD-Goma so that RCD-Goma implemented the demands of the resolution.

**Decision of 24 May 2002 (4544th meeting):
statement by the President**

At the 4544th meeting, on 24 May 2002, the President (Singapore) made a statement on behalf of the Council.²⁹⁴ by which the Council, inter alia:

Strongly condemned the killings, in particular of civilians, that had recently taken place in Kisangani;

Called for an immediate cessation of all violations of human rights and international humanitarian law;

Reiterated its demand that the city be demilitarized in accordance with relevant resolutions and called on the parties to cooperate to the full reopening of the Congo River, including to commercial traffic;

Stressed the importance of MONUC assisting, within the current mandate, in the full demilitarization of Kisangani and welcomed the proposal by the Secretary-General to reinforce the civilian police unit of MONUC with 85 officers to assist in the training of the local police.

**Decision of 5 June 2002 (4548th meeting):
statement by the President**

At the 4548th meeting, on 5 June 2002, in which the representative of the Democratic Republic of the Congo was invited to participate, the President

concerning the accusations made by France in the Security Council regarding the Moliro attack.

²⁹³ S/2002/290.

²⁹⁴ S/PRST/2002/17.

(Singapore) made a statement on behalf of the Council.²⁹⁵ by which the Council, inter alia:

Condemned in the strongest terms the acts of intimidation and unfounded public statements against MONUC, in particular attempts by RCD-Goma to “ban” the Special Representative of the Secretary-General and the “expulsion” of several MONUC and other United Nations personnel from areas under its control;

Reaffirmed its full support for the Special Representative and for the dedicated staff of MONUC;

Reiterated its condemnation of the killings and attacks against civilians and soldiers that had followed the events that had taken place on 14 May and thereafter in Kisangani; called upon Rwanda to exert its influence to have RCD-Goma meet without delay all its obligations under the resolutions of the Council and the presidential statement;

Encouraged the Government of the Democratic Republic of the Congo, MLC and RCD-Goma to hold new discussions as soon as possible and in good faith in order to reach an all-inclusive agreement on the political transition.

**Decision of 14 June 2002 (4554th meeting):
resolution 1417 (2002)**

At its 4554th meeting, on 14 June 2002, the Council included in its agenda the eleventh report of the Secretary-General on MONUC, dated 5 June 2002.²⁹⁶ In his report, the Secretary-General noted that, in spite of several positive developments, the peace process in the Democratic Republic of the Congo faced considerable difficulties, including intensified fighting in the east, human rights violations and a lack of dialogue between the Democratic Republic of the Congo and Rwanda on their respective security concerns. He deplored the violence that had afflicted the city of Kisangani and stressed that, while the reduction in the number of foreign forces in the territory of the Democratic Republic of the Congo was encouraging, the conflict could not be resolved without the total withdrawal of all foreign forces. He pointed out that MONUC did not have the means to provide broader protection to civilians at large. He asked the Council to consider adjusting the strength of MONUC with a view to reconfiguring and re-equipping contingents in order to permit them both to protect more effectively civilians under imminent threat of physical violence and to intervene more actively. Continued unrest in the east, and difficulties in

²⁹⁵ S/PRST/2002/19.

²⁹⁶ S/2002/621, submitted pursuant to resolution 1355 (2001).

identifying a militarily capable troop-contributing country that would enable MONUC to establish an effective presence there, had limited the prospects of making rapid progress in the disarmament, demobilization and reintegration process. Consequently, he invited the Government of the Democratic Republic of the Congo to fully support the process by, inter alia, ensuring that no military supplies reached armed groups operating in the east, investigating reports that persons suspected of crimes against humanity might be present on its territory, cooperating with the International Tribunal for Rwanda, and taking steps to ensure that its territory was not used as a base for attacking neighbouring countries.²⁹⁷

At the meeting, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Syrian Arab Republic) drew attention to a draft resolution;²⁹⁸ it was adopted unanimously and without debate as resolution 1417 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, inter alia:

Decided to extend the mandate of MONUC until 30 June 2003;

Called upon Member States to contribute personnel to enable MONUC to reach its authorized strength of 5,537, including observers, within the time frame outlined in its concept of operation;

Condemned ethnically and nationally based calls for violence and the killings and attacks against civilians and soldiers that had followed the events that had taken place on 14 May and thereafter in Kisangani;

Condemned the exploitation of ethnic differences in order to incite or carry out violence or human rights violations;

Reiterated its full support for the Special Representative of the Secretary-General and for all the dedicated MONUC personnel who operated in challenging conditions; demanded that RCD-Goma provide full access and lift all restrictions on MONUC personnel, and fully cooperate with MONUC in the implementation of its mandate, and urged Rwanda to exert its influence to have RCD-Goma meet without delay all its obligations;

Requested MONUC to proceed expeditiously in the deployment of the additional 85 police trainers to Kisangani;

Supported the role of MONUC in disarmament, demobilization, repatriation, resettlement and reintegration;

Demanded the total and expeditious withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo;

Requested all parties and relevant States to extend their full cooperation to the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo; requested the Secretary-General to report at least every four months to the Council on progress in the implementation of the resolution.

**Decision of 23 July 2002 (4583rd meeting):
statement by the President**

At the 4583rd meeting, on 23 July 2002, at which no statements were made and the representative of the Democratic Republic of the Congo was invited to participate, the President (United Kingdom) made a statement on behalf of the Council,²⁹⁹ by which the Council, inter alia:

Recalled the seriousness of the events that had taken place in Kisangani on 14 May 2002; stressed that RCD-Goma would be held accountable for any extrajudicial executions, including among members of the civil society or detainees at the detention centres of RCD in Kisangani;

Also stressed that Rwanda had a duty to use its strong influence to ensure that RCD-Goma took no such action;

Also reiterated that RCD-Goma had to demilitarize Kisangani without any further delay or condition and that RCD-Goma had to also cooperate with MONUC and the Office of the United Nations High Commissioner for Human Rights in their investigation to identify all the victims and perpetrators in Kisangani so that the latter would be brought to justice;

Expressed its deep concern at the strengthening of troops in eastern Democratic Republic of the Congo;

Called for cessation of the fighting;

Welcomed efforts and good offices of the Republic of South Africa to help the Democratic Republic of the Congo and Rwanda to reach an agreement to tackle the problem of armed groups and to take forward the withdrawal of Rwandan troops;

Called on all parties to recommit themselves to taking forward the progress for peace and refrain from any military action that would undermine it.

²⁹⁹ S/PRST/2002/22.

²⁹⁷ S/2002/621.

²⁹⁸ S/2002/665.

**Decision of 15 August 2002 (4602nd meeting):
statement by the President**

At the 4596th meeting,³⁰⁰ on 8 August 2002, at which the Council was briefed by the Secretary-General, statements were made by the representatives of the Democratic Republic of the Congo, Rwanda and South Africa.³⁰¹

The Secretary-General welcomed the signing of the peace agreement between the Governments of the Democratic Republic of the Congo and Rwanda in Pretoria on 30 July 2002,³⁰² as an important political milestone which could help pave the way towards a lasting resolution of the conflict. He applauded President Mbeki of South Africa for his contribution to the agreement in his capacity as Chairman of the African Union. The Secretary-General urged the parties to take the steps required to operationalize the agreement as soon as possible and called on the international community to provide support to the parties for its implementation. He reported that he had instructed MONUC to determine which actions it could take, within its mandate and resources, to assist the parties, and stressed that the parties needed to provide the necessary information to enable MONUC to define its role. He announced that he would revert to the Council in due course with specific recommendations for MONUC after the Secretariat undertook extensive consultations with the parties concerned.³⁰³

The representative of South Africa stated that the conflict could not be resolved until the issue of armed groups had been addressed. In that context, she welcomed the declared wish of the Democratic Republic of the Congo not to have the armed groups utilize its territory for launching attacks against its neighbours, as well as the commitment of Rwanda to withdraw its forces as soon as those armed groups ceased to be a threat to the people of Rwanda. In her view, the Pretoria Agreement was at the centre of the

peace process, complementing the Lusaka Agreement, and not supplanting it. The need for the Pretoria Agreement stemmed from the recognition that progress in establishing lasting peace in the Democratic Republic of the Congo could not be achieved without resolving the conflict between that country and Rwanda.³⁰⁴

The representative of the Democratic Republic of the Congo held that the Pretoria Agreement would facilitate and speed up the completion of the remaining phases provided for in the timetable for the implementation of the Lusaka Agreement. The new agreement, he noted, provided a response to the security concerns of Rwanda and created the conditions for the restoration of the national sovereignty and territorial integrity of the Democratic Republic of the Congo. On disarmament, demobilization, repatriation, resettlement and reintegration, the representative held that his Government had undertaken to faithfully implement its obligations under the Pretoria Agreement, including the demobilization and disarmament of Rwandese combatants in Kamina. On the withdrawal of foreign forces, he noted that Angola and Zimbabwe had withdrawn a large number of their troops, while Namibia had withdrawn completely. At the same time, with respect to the “uninvited forces”, withdrawal movements had been observed only on the part of Uganda and Burundi, while Rwanda had considerably increased its forces and was still engaged in large-scale military activities in his country. He further called for the beginning of demilitarization of Kisangani as well as an end to the illegal exploitation of natural resources. For its part, the United Nations could help by formulating a new concept of operations for MONUC that would effectively activate phase III of the Mission’s deployment and enable it to support the verification mechanism and to participate in the structure that the third party would put in place under the Pretoria Agreement. He underlined the need for his Government to sign similar agreements with the Governments of Uganda and Burundi.³⁰⁵

The representative of Rwanda observed that the Pretoria Agreement represented a solemn commitment by the Government of the Democratic Republic of the Congo to track, assemble and disarm ex-Rwandese

³⁰⁰ For more information on the discussion at this meeting, see chap. XII, part I, sect. B, case 4, with regard to Article 2 (4) of the Charter.

³⁰¹ The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation; Rwanda was represented by its Special Envoy of the President of Rwanda on the Great Lakes Region; and South Africa was represented by its Minister for Foreign Affairs.

³⁰² S/2002/914.

³⁰³ S/PV.4596, pp. 2-3.

³⁰⁴ *Ibid.*, pp. 4-8.

³⁰⁵ *Ibid.*, pp. 5-7.

Armed Forces and Interahamwe in collaboration with MONUC, the Joint Military Commission and the third party. For its part, Rwanda undertook to withdraw its troops as soon as the process got under way and was judged to be irreversible. He added that through the work of MONUC and the Joint Military Commission, Rwanda was aware of or would have an idea where the ex-Rwandese Armed Forces and Interahamwe were operating and how they were organized. His Government needed assistance from MONUC to make the assembly areas for those groups operational and secure.³⁰⁶

At the 4602nd meeting,³⁰⁷ on 15 August 2002, in which the representatives of the Democratic Republic of the Congo and Rwanda were invited to participate, the President (United States) made a statement on behalf of the Council,³⁰⁸ by which the Council, inter alia:

Expressed its appreciation to the Foreign Ministers of South Africa and the Democratic Republic of the Congo, and to the Special Envoy of the President of Rwanda, who had participated in its meeting on the Democratic Republic of the Congo on 8 August 2002;

Expressed its full support for the implementation of the Peace Agreement;

Commended the Government of the Republic of South Africa for its facilitation of the Peace Agreement;

Stressed in particular the responsibilities of the two parties set out in the Peace Agreement and Implementation Plan and called upon the international community to assist and expedite the carrying out of those responsibilities;

Reiterated its support for the mandate of MONUC, as established by its resolution 1417 (2002).

Decision of 18 October 2002 (4626th meeting): statement by the President

At the 4626th meeting,³⁰⁹ on 18 October 2002, in which the representative of the Democratic Republic of

the Congo was invited to participate, the President (Cameroon) made a statement on behalf of the Council,³¹⁰ by which the Council, inter alia:

Welcomed the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo and called for the implementation of all agreements signed by parties and all relevant resolutions of the Security Council;

Condemned the continuing violence in the east of the country and noted with great concern that those actions added to instability in the east of the country, threatened regional stability and had severe humanitarian consequences; called on all parties to the conflict to cease hostilities immediately and without preconditions;

Urged all Congolese parties to accelerate efforts to reach an agreement on an all-inclusive transitional government; called on all parties and armed groups involved in the conflict in the Democratic Republic of the Congo to commit themselves to achieving a peaceful settlement for the region and condemned any attempt to use military action to influence the peace process.

Deliberations of 24 October and 5 November 2002 (4634th and 4642nd meetings)

At its 4634th meeting, on 24 October 2002, the Council included in its agenda a letter dated 15 October 2002 from the Secretary-General to the President of the Council, transmitting the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo.³¹¹

In the report, the Panel noted that an embargo or a moratorium banning the export of raw materials originating in the Democratic Republic of the Congo was not a viable means for improving the situation of the country's Government, citizens or natural environment. Restrictive measures, nevertheless, had to be taken vis-à-vis the role of companies and individuals involved in arms supply and resource plundering. The Panel concluded that the establishment of a transitional government in Kinshasa should be accompanied by: the disarmament of all rebel groups; phased withdrawal of foreign troops; measures to drastically curb the illegal exploitation of natural resources and encourage legal exploitation; the

Congo, the President of Rwanda and the Minister for Foreign Affairs of South Africa had a constructive discussion.

³¹⁰ S/PRST/2002/27.

³¹¹ S/2002/1146; the final report was submitted pursuant to the statement by the President of 19 December 2001 (S/PRST/2001/39).

³⁰⁶ Ibid., pp. 8-9.

³⁰⁷ At the 4597th meeting, held in private on 8 August 2002, the members of the Council, the Minister for Foreign Affairs of the Democratic Republic of the Congo, the Minister for Foreign Affairs of South Africa and the Special Representative of the President of Rwanda on the Great Lakes Region had a constructive discussion.

³⁰⁸ S/PRST/2002/24.

³⁰⁹ At the 4608th meeting, held in private on 13 September 2002, the Secretary-General, the members of the Council, the President of the Democratic Republic of the

application of serious leverage on the parties through multilateral pressures and incentives; and a dynamic monitoring process. To readjust the existing process of illegal exploitation and encourage legal activities, the Panel proposed the imposition of forceful disincentives and incentives, monitored through a proactive monitoring body. In the light of the new dynamic and progress created by the signing of the political and military agreements in Sun City, Pretoria and Luanda, the Panel believed that a set of agreements or initiatives on reconstruction and sustainable development were needed to address the economic dimension of the Lusaka peace process and provide incentives for continuing progress, and detailed those incentives. The Panel also suggested a number of institutional reforms, including the reconstruction and reform of State institutions; professionalizing the national security apparatus; promoting legitimate and accountable civil administrations in the eastern Democratic Republic of the Congo; and reviewing all concession and contracts signed during the wars. In the event of non-compliance with the recently signed agreements and continuing illegal exploitation of natural resources, the Panel recommended a series of financial and technical measures, such as: the assumption of responsibility by the Governments of the countries of individuals and entities involved in illicit activities; the reduction of official development assistance with the goal of making aid disbursements to Burundi, Rwanda, Uganda and Zimbabwe conditional on their compliance with the agreements; restrictions on business enterprises and individuals; and adherence of business enterprises to the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. The Panel also recommended that a monitoring body be established to, inter alia, report to the Council on any State or company that might be involved in the illegal exploitation of natural resources.

At the meeting, the Council was briefed by the Chairman of the Panel of Experts and the representative of the Democratic Republic of the Congo made a statement.³¹²

Introducing the report, the Chairman reaffirmed that economic exploitation remained the most potent means for continued conflict in the Democratic

³¹² The Democratic Republic of the Congo was represented by its Minister for Foreign Affairs and International Cooperation.

Republic of the Congo. The Panel had identified three distinct groups, called “elite networks”, which had carved out separate spheres of economic control in various areas of the country controlled by the Rwandan army, the Ugandan army and the Kinshasa Government with the help of the Zimbabwean military, respectively. The war economy directed by those networks working in collaboration with organized criminal groups functioned under the cover of armed conflict and drained the public treasury of revenues, undermined the stability and the restoration of State authority, and led to more instability and violence. He warned that the networks’ core members, acting with impunity, had the capacity to subvert the peace process in order to protect their economic interests and to ensure continued control over revenue-generating activities. Stating the Panel’s conviction that reconstructing and reorienting the region’s economies was essential to peacemaking and peacebuilding, he stressed the need for decisive action by the Council to build on the momentum of military and political gains to consolidate what could become durable peace in the Great Lakes region and to begin rebuilding the region’s economies.³¹³

The representative of the Democratic Republic of the Congo noted that the Panel’s report had come at a time when real signs for peace had emerged. He commended the Panel for showing that the presence of Rwandan troops was based on the desire to pursue criminal activities in his country and for confirming the training by the Ugandan armed forces in Ituri region of young people for the purpose of perpetuating disorder once their troops left. He added that the report also confirmed that it was the large-scale, systematic and systemic exploitation that fuelled and perpetuated the armed aggression against and occupation of his country. In his view, the Council had to take into account the economic dimension of the war for its actions to be effective. Stressing that the people of the Democratic Republic of the Congo should benefit first and foremost from the country’s natural resources, he called on the Council to implement the recommendations made by the Panel. In particular, he believed it was necessary to increase the oversight capacity of the United Nations, stressing that the terms of reference for a monitoring body be established with his Government’s approval and in respect of the prerogatives of its national sovereignty. The

³¹³ S/PV.4634, pp. 2-5.

representative further called on the Council to consider the establishment of an ad hoc international criminal court for the Democratic Republic of the Congo to judge and convict those guilty of crimes against humanity. He also announced the creation by his Government of an ad hoc commission to consider the validity of agreements that could serve as a framework for the reconsideration of certain contracts and concessions signed during the war. Referring to accusations in the report directed at members of his Government, he noted that his country retained the legal ability to prosecute those individuals.³¹⁴

At its 4642nd meeting,³¹⁵ on 5 November 2002, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council, transmitting the report of the Panel of Experts.³¹⁶

The President (China) drew attention to a number of communications to the President of the Council.³¹⁷ Statements were made by all members of the Council, and the representatives of Angola, Belgium, Canada, Denmark (on behalf of the European Union³¹⁸), Oman, Rwanda, South Africa, Uganda and Zimbabwe.³¹⁹ The

Chairman of the Panel of Experts responded to questions and comments made in the discussion.

Most speakers welcomed the work of the Panel and stated that its conclusions and recommendations merited close examination with a view to putting an end to the illegitimate exploitation of natural resources in the Democratic Republic of the Congo, which represented a serious obstacle to the peaceful resolution of the conflict.

While in agreement with the basic premises of the peaceful settlement of the conflict in the Democratic Republic of the Congo, a number of speakers, some representing States whose Governments or nationals and companies had been named in the report as being involved in the illegal exploitation, directly or through “elite networks”, denied the accusations against them and questioned the methodology used by the Panel, as well as the report’s conclusions and recommendations.³²⁰ The representative of South Africa urged the Council to require the Panel to further investigate and substantiate the allegations and recommendations made in the report, adding that the report contradicted the aims and intentions of the Council.³²¹ Pointing out that the Panel suggested that those companies and individuals named in the list annexed to the report be subjected to sanctions, the representative of the Syrian Arab Republic believed that there was an urgent need to re-evaluate the entire contents of the report.³²² The representatives of Uganda and Rwanda accused the Panel of ignoring their legitimate security concerns, while the representative of Rwanda further denounced the report as “biased”, “politically motivated” and “unsubstantiated”.³²³ The representative of Zimbabwe believed that the report deliberately misrepresented the nature of the conflict in the Democratic Republic of the Congo, portraying it as motivated by “the greedy desire of the African military and security leaders to loot, plunder and profiteer” from the riches of that country.³²⁴

³¹⁴ *Ibid.*, pp. 5-9.

³¹⁵ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41.

³¹⁶ S/2002/1146.

³¹⁷ Letter dated 23 October 2002 from the representative of Rwanda transmitting the response of the Government of Rwanda to the report of the Panel of Experts (S/2002/1187); letter dated 25 October 2002 from the representative of South Africa transmitting the position of his Government with regard to the report (S/2002/1199); letter dated 25 October 2002 from the representative of Uganda transmitting a statement dated 23 October 2002 by the Government of Uganda on the report (S/2002/1202); letter dated 28 October 2002 from the representative of Rwanda sent in protest to the statement made by the Minister for Foreign Affairs of the Democratic Republic of the Congo on 24 October 2002 in the Council (S/2002/1207); and letter dated 4 November 2002 from the representative of Uganda transmitting the response, dated 1 November 2002, of the Government of Uganda to the final report (S/2002/1221).

³¹⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey associated themselves with the statement.

³¹⁹ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement. Uganda was represented by its Third Deputy

Prime Minister and Minister for Foreign Affairs.

³²⁰ S/PV.4642, pp. 5-7 (Uganda); pp. 9-12 (South Africa); pp. 15-17 (Rwanda); pp. 18-19 (Oman); pp. 19-23 (Zimbabwe); S/PV.4642 (Resumption 1), pp. 5-6 (Syrian Arab Republic).

³²¹ S/PV.4642, p. 9.

³²² S/PV.4642 (Resumption 1), p. 6.

³²³ S/PV.4642, p. 4 (Uganda); and pp. 16-17 (Rwanda).

³²⁴ *Ibid.*, p. 20.

Several speakers supported in general the work of the Panel, but underlined the right of those cited in the report as allegedly involved in the illegal exploitation of natural resources to defend themselves.³²⁵ While affirming that the Panel's recommendations deserved the Council's serious consideration, the representative of Canada expressed disappointment that the Panel had named as violators of OECD Guidelines companies whose alleged violations, with a few exceptions, were neither specified nor substantiated in the body of the report, creating controversy for the companies concerned and attracting attention away from the other valuable information and conclusions in the report.³²⁶ The representative of the United Kingdom encouraged the Panel to share information with the companies and individuals named in the report to the extent possible so as to allow them to investigate and take any necessary action.³²⁷ To address concerns voiced by parties named in the report, the representative of France proposed that a addendum to the report be published.³²⁸

The representative of Ireland found the report compelling in its analysis and its general conclusions, characterizing its recommendations as measured and fair.³²⁹ The representative of Norway advocated the continued use of panels of experts to assist the Council and promoted more cross references between the reports of the Panel of Experts and those of MONUC.³³⁰

Turning to the specific recommendations of the Panel, a number of speakers expressed their support for the establishment of a monitoring body that would report on developments on the ground and make recommendations to the Council.³³¹ The representative of Belgium believed that such a body should, inter alia, continue the Panel's investigative efforts and update the relevant lists of individuals and companies, once it had heard all those who wished to be heard.³³² In

contrast, the representative of Rwanda firmly opposed the creation of such a body as, like the Panel, it would merely "foment, rather than reduce, tension and conflict in the region" and would be vulnerable to competing influences and other forms of foreign manipulation and only paralyse the economies of the region.³³³ The representative of the Russian Federation believed that the establishment of a new monitoring mechanism would require additional consideration by the Council.³³⁴ The representative of France stressed the need for the Council to receive periodic reports on the issue and, in that context, believed that a monitoring body was an option.³³⁵

With respect to the introduction of sanctions on individuals and organizations accused of illegal exploitation, the representative of Belgium viewed that as a possibility.³³⁶ Emphasizing the importance of due process, the representative of Singapore agreed with the Panel's recommendation that a grace period be given before the recommended restrictions were put in place.³³⁷ The representative of Mauritius declared that the recommendation should be implemented only after Governments had had an opportunity to respond to allegations.³³⁸ In contrast, the representative of the Russian Federation questioned the recommendation, since he held that combating economic crime fell in the purview of States and not of the Council. Furthermore, he believed that it would be extremely difficult to prove that activities of any type of commercial enterprise or individual posed a threat to international peace and security, pursuant to Chapter VII of the Charter, the determination required before imposing sanctions.³³⁹ The representative of Zimbabwe asserted that imposing sanctions only upon companies and individuals from non-OECD countries amounted to unequal treatment.³⁴⁰

In response, the Chairman of the Panel of Experts, inter alia, insisted that the findings included in the report were based on insider information and

³²⁵ Ibid., p. 12 (Denmark); p. 14 (Belgium); p. 25 (France); S/PV.4642 (Resumption 1), p. 4 (Singapore).

³²⁶ S/PV.4642, p. 23.

³²⁷ S/PV.4642 (Resumption 1), p. 11.

³²⁸ S/PV.4642, p. 25.

³²⁹ S/PV.4642 (Resumption 1), pp. 8-9.

³³⁰ S/PV.4642, p. 26.

³³¹ Ibid, p. 15 (Belgium); and p. 23 (Canada); S/PV.4642 (Resumption 1), p. 3 (Mauritius); p. 4 (Singapore); p. 7 (Guinea); p. 9 (Ireland); p. 11 (Cameroon); and p. 16 (Bulgaria).

³³² S/PV.4642, p. 15.

³³³ Ibid., pp. 17-18.

³³⁴ Ibid., p. 28.

³³⁵ Ibid., p. 25.

³³⁶ Ibid., p. 14.

³³⁷ S/PV.4642 (Resumption 1), p. 4.

³³⁸ Ibid., p. 3.

³³⁹ S/PV.4642, pp. 27-28.

³⁴⁰ Ibid., p. 22.

documentary evidence, samples of which could be shown to Council members, if they so desired.³⁴¹

Decision of 4 December 2002 (4653rd meeting): resolution 1445 (2002)

At its 4653rd meeting, on 4 December 2002, the Council included in its agenda the special report of the Secretary-General on MONUC dated 10 September 2002.³⁴² In the report, the Secretary-General acknowledged the importance of the bilateral agreements between the Government of the Democratic Republic of the Congo and the Governments of Rwanda and Uganda, respectively. Referring to reports of intensified military activities in the east, he called on the parties to achieve an immediate ceasefire and end all support to the armed groups, as a sign of good will. In the framework of the Luanda Agreement, he urged the Governments of the Democratic Republic of the Congo and Uganda to continue their consultations to address the situation in Ituri and ensure that there was no security vacuum in the region. He also called on the Government of Zimbabwe to cooperate with MONUC to ensure a transparent and orderly withdrawal of its troops, and emphasized that Rwanda should also demonstrate its willingness to withdraw its forces. He recommended that quick-impact project funding for MONUC be extended; MONUC shift the emphasis of its activity eastward, enhance its capacity with respect to disarmament, demobilization, repatriation, resettlement and reintegration and strengthen its presence; and the Council authorize an increase in the military strength of MONUC up to 8,700.

At the meeting, the President (Colombia) drew the attention of the Council to a draft resolution;³⁴³ it was adopted unanimously, and without debate as resolution 1445 (2002), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, *inter alia*:

Stressed the voluntary nature of the disarmament, demobilization, repatriation, reintegration or resettlement of the armed groups and called on leaders and members of the armed groups to enter that process;

Stressed the importance of early and substantial progress on the process of voluntary disarmament, demobilization, repatriation, resettlement and reintegration throughout the country to match the progress achieved on the withdrawal of foreign forces, and urged all parties concerned to cooperate fully with MONUC in that regard;

Stressed that the main responsibility for resolving the conflict rested with the parties themselves;

Stressed the crucial importance of preventing the situation in the Democratic Republic of the Congo from having a further destabilizing effect on the neighbouring States and called on all parties concerned to cooperate in good faith to that end and to facilitate continuing observation efforts by MONUC in the areas of its deployment.

Decision of 24 January 2003 (4691st meeting): resolution 1457 (2003)

At its 4691st meeting, on 24 January 2003, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council transmitting the report of the Panel of Experts³⁴⁴ and extended an invitation to the representative of the Democratic Republic of the Congo to participate in the discussion.

The President (France) drew attention to a draft resolution;³⁴⁵ it was adopted unanimously and without debate as resolution 1457 (2003), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and stability in the Great Lakes region, *inter alia*:

Strongly condemned the illegal exploitation of the natural resources of the Democratic Republic of the Congo;

Reiterated that the natural resources of the Democratic Republic of the Congo should be exploited transparently, legally and on a fair commercial basis, to benefit the country and its people;

Stressed that the completion of the withdrawal of all foreign troops from the territory of the Democratic Republic of the Congo as well as the early establishment of an all-inclusive transitional government in the country were important steps towards ending the plundering of the natural resources of the Democratic Republic of the Congo;

Stressed the importance of following up the independent findings of the Panel regarding the link between the illegal

³⁴¹ S/PV.4642 (Resumption 1), p. 22.

³⁴² S/2002/1005, submitted pursuant to the statement by the President of 15 August 2002 (S/PRST/2002/24).

³⁴³ S/2002/1309.

³⁴⁴ S/2002/1146; the report was submitted pursuant to the statement by the President of 19 December 2001 (S/PRST/2001/39).

³⁴⁵ S/2003/83.

exploitation of the natural resources of the Democratic Republic of the Congo and the continuation of the conflict, and stressed the importance of exerting the necessary pressure to put an end to such exploitation;

Stressed that the new mandate of the Panel should include further review of relevant data and analysis of information previously gathered by the Panel, as well as any new information; information on actions taken by Governments in response to the Panel's previous recommendations; an assessment of the actions taken by all those named in the reports; and recommendations on measures to ensure the resources of the Democratic Republic of the Congo were exploited legally and on a fair commercial basis to benefit the Congolese people;

Stressed the importance of dialogue between the Panel, individuals, companies and States;

Requested the Panel to provide information to the OECD Committee on International Investment and Multinational Enterprises and to the National Contact Points;

Urged all States to conduct their own investigations in order to clarify credibly the findings of the Panel;

Expressed its full support to the Panel and reiterated that all parties and relevant States had to extend their full cooperation to the Panel, while ensuring the necessary security for the experts.

**Decision of 20 March 2003 (4723rd meeting):
resolution 1468 (2003)**

At its 4705th meeting, on 13 February 2003, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the United Nations High Commissioner for Human Rights. Statements were made by a majority of the Council members³⁴⁶ and the representatives of the Democratic Republic of the Congo and Rwanda.

In his briefing, the Under-Secretary-General for Peacekeeping Operations elaborated on the progress of the inter-Congolese dialogue, noting that the Special Envoy of the Secretary-General was preparing for the convening of two technical committees in Pretoria from 20 to 25 February to discuss the pending issues, namely finalizing the transitional constitution and military and security questions. Noting that the overall situation in the north-east was of growing concern and reiterating the key importance of a political solution, he reported that MONUC had been working hard to defuse tensions and was meeting political actors in Bunia to organize a local-level ceasefire leading to the

convening of the Ituri Pacification Commission, scheduled for 17 to 20 February. Touching on the human rights situation, the Under-Secretary-General observed that progress on the political front would be hard to achieve if there was no end to the existent culture of impunity. He suggested that the Council consider how to ensure that more attention was paid to human rights in the Democratic Republic of the Congo.³⁴⁷

The High Commissioner for Human Rights stated that all parties to the conflict continued, with impunity, to commit grave violations of human rights, therefore threatening the peace process. The most shocking violations found by the MONUC multidisciplinary team sent to the Beni region to investigate allegations of serious human right violations included some 220 extrajudicial executions, 122 cases of forced disappearances, 95 cases of rape and 32 cases of torture, acts of mutilation as well as cannibalism. The High Commissioner held that those responsible for such crimes should be immediately arrested and brought to justice, including those who continued to exercise military command functions. The High Commissioner urged the Council to, inter alia, call on the belligerents and their foreign supporters to put an immediate end to human rights violations and to the culture of impunity; call for the effective implementation of those sections of the Pretoria Agreement calling for a national observatory on human rights and a truth and reconciliation commission; consider the establishment of an international commission of inquiry to look into all serious human rights violations committed by all sides; and provide a clear mandate to strengthen the ability of human rights officers and MONUC to fully play their role in helping to find a peaceful solution in the Democratic Republic of the Congo.³⁴⁸

The majority of Council members condemned all abuses of human rights committed in the Democratic Republic of the Congo and stressed the need to end the culture of impunity and to bring the perpetrators of crimes to justice.

A number of speakers expressed support for the establishment of an international commission to investigate allegations of human rights violations by all

³⁴⁶ The representative of Guinea did not make a statement.

³⁴⁷ S/PV.4705, pp. 2-4.

³⁴⁸ Ibid., pp. 4-7.

parties.³⁴⁹ A few representatives supported the High Commissioner's call for the implementation of the provision of the Pretoria Agreement on the establishment of a national observatory for human rights.³⁵⁰ In that regard, the representative of Mexico believed that the Council had to demand that the parties to the conflict respect human rights, and was in favour of sending a fact-finding commission to help determine where the responsibilities lay.³⁵¹

The representative of the Democratic Republic of the Congo argued that the Council had to assume its responsibilities and set up an international criminal tribunal capable of tracking down and punishing those responsible of crimes. In the absence of such a tribunal, the Council could opt for a special criminal court based on the models established in Sierra Leone and Cambodia. Furthermore, he stated that the demand for justice was an integral part of any lasting peace, and that the message of the international community and the Council was lacking in clarity in that regard.³⁵²

The representative of Rwanda denied all allegations directed against his country and reasserted that Rwanda had entered the Democratic Republic of the Congo for security reasons. Strongly condemning human rights violations in the Democratic Republic of the Congo, he requested that country to implement all peace agreements signed in Lusaka, Pretoria and Angola, as well as to put in place an all-inclusive Government which would address the humanitarian situation. He reaffirmed that the Rwandan defence forces had withdrawn completely from the Democratic Republic of the Congo on 5 October 2002, as confirmed by MONUC and the third-party verification mechanism.³⁵³

At the 4723rd meeting, on 20 March 2003, the President (Guinea) drew attention to the thirteenth report of the Secretary-General on MONUC, dated 21 February 2003³⁵⁴ and to a note by the President of

the Council transmitting the report of the United Nations High Commissioner for Human Rights.³⁵⁵

In his report, the Secretary-General observed that the prompt inauguration of the transitional Government would be critical if the political momentum created by the Pretoria Agreement was not to be lost. He further noted that, despite the declared withdrawal of most of the foreign forces and the commencement of the disarmament, demobilization, repatriation, resettlement and reintegration process, the military situation on the ground, in particular in the Ituri region and the Kivus, continued to be volatile. He stressed the importance of establishing the Ituri Pacification Commission for the peace process and urged all involved parties and States to engage constructively in establishing the Commission without delay. He indicated that MONUC was well placed to create conditions conducive to the holding of free and fair elections and urged the international community to remain engaged in addressing the fundamental problems affecting the Democratic Republic of the Congo.

The report of the High Commissioner for Human Rights, which was circulated in response to requests made by Council members at the 4705th meeting, detailed the human rights violations observed in the Democratic Republic of the Congo and emphasized the need for the Council to activate means to bring those responsible to justice. The High Commissioner recommended the establishment of an international commission of inquiry to investigate serious human rights violations committed by all sides and called for the creation of a national observatory on human rights and a truth and reconciliation commission, as provided for in the Pretoria Agreement.

The President drew attention to a draft resolution;³⁵⁶ it was adopted unanimously and without debate as resolution 1468 (2003), by which the Council, determining that the situation in the Democratic Republic of the Congo continued to pose a threat to international peace and security in the region, inter alia:

Welcomed the agreement reached by the Congolese parties in Pretoria on 6 March 2003 on the transitional arrangements;

Strongly encouraged the Congolese parties forming the Transitional Government to establish as soon as possible a Truth

³⁴⁹ Ibid., p. 11 (Chile); p. 12 (Bulgaria); and p. 15 (Cameroon).

³⁵⁰ Ibid., p. 11 (Chile); p. 12 (Bulgaria); and p. 13 (Mexico).

³⁵¹ Ibid., p. 13.

³⁵² Ibid., pp. 18-19.

³⁵³ Ibid., pp. 20-21.

³⁵⁴ S/2003/211, submitted pursuant to resolution 1417 (2002).

³⁵⁵ S/2003/216.

³⁵⁶ S/2003/334.

and Reconciliation Commission charged with determining responsibility for serious violations of international humanitarian and human rights law, as set forth in the resolutions adopted in the framework of the inter-Congolese dialogue in Sun City in April 2002;

Requested the Secretary-General to increase the presence of MONUC in the Ituri area, in particular military observers and human rights personnel, to monitor developments on the ground;

Demanded that all Governments in the Great Lakes region immediately cease military and financial support to all the parties engaged in armed conflict in the Ituri region;

Expressed its deep concern at the rising tensions between Rwanda and Uganda and their proxies on the territory of the Democratic Republic of the Congo, and stressed that the Governments of those two countries had to take steps to build mutual confidence, settle their concerns through peaceful means, and without any interference in Congolese affairs, and must refrain from any action that could undermine the peace process;

Demanded also that all the parties to the conflict in the Democratic Republic of the Congo, and in particular in Ituri, ensure the security of civilian populations and grant MONUC and humanitarian organizations full and unimpeded access to the populations in need.

**Decision of 16 May 2003 (4756th meeting):
statement by the President**

At the 4756th meeting, on 16 May 2003, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Pakistan) made a statement on behalf of the Council,³⁵⁷ by which the Council, *inter alia*:

Condemned the recent killings, the violence and other human rights violations in Bunia, as well as the attacks against MONUC and internally displaced persons;

Reiterated that perpetrators would be held accountable and demanded that all hostilities in Ituri cease immediately;

Fully supported the work of the Ituri Pacification Commission and called on all parties in the region to end all support to armed groups;

Expressed its concern at the deteriorating humanitarian situation in Bunia and demanded that all parties grant full and unimpeded access for humanitarian aid and guarantee the safety and security of humanitarian personnel;

Demanded that all Congolese parties and regional States refrain from any action that could undermine the possible deployment of an international force, and support it.

³⁵⁷ S/PRST/2003/6.

**Decision of 30 May 2003 (4764th meeting):
resolution 1484 (2003)**

At the 4764th meeting, on 30 May 2003, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Pakistan) drew attention to a draft resolution;³⁵⁸ it was adopted unanimously and without debate as resolution 1484 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the deployment until 1 September 2003 of an Interim Emergency Multinational Force in Bunia in close coordination with MONUC;

Stressed that the Interim Emergency Multinational Force was to be deployed on a strictly temporary basis, authorized the Secretary-General to deploy, within the overall authorized MONUC ceiling, a reinforced United Nations presence to Bunia, and requested him to do so by mid-August 2003;

Called on Member States to contribute personnel, equipment and other necessary financial and logistic resources to the multinational force;

Demanded that all the parties to the conflict in Ituri and in particular in Bunia cease hostilities immediately; strongly condemned the deliberate killing of unarmed MONUC personnel and staff of humanitarian organizations in Ituri and demanded that the perpetrators be brought to justice;

Demanded that all Congolese parties and all States in the Great Lakes region respect human rights, cooperate with the Interim Emergency Multinational Force and with MONUC in the stabilization of the situation in Bunia;

Requested the leadership of the Interim Emergency Multinational Force in Bunia to report regularly to the Council, through the Secretary-General, on the implementation of its mandate.

**Decision of 26 June 2003 (4780th meeting):
resolution 1489 (2003)**

At its 4780th meeting, on 26 June 2003, the Council included in its agenda the second special report of the Secretary-General on MONUC, dated 27 May 2003.³⁵⁹ In his report, the Secretary-General reported that the peace process had moved beyond the Lusaka framework and begun a new chapter that, more than ever, would require the comprehensive engagement and assistance of the United Nations and the international community at large. In his view, MONUC was well, if not uniquely, placed to play a

³⁵⁸ S/2003/578.

³⁵⁹ S/2003/566 and Corr.1, submitted pursuant to resolutions 1417 (2002) and 1468 (2003).

central catalytic role in assisting the parties through the transition process and recommended that the Mission be reconfigured and augmented accordingly. He noted that the immediate priority was to assist in the establishment of the Transitional Government and announced his intention to establish a small electoral assistance cell to commence planning the possible United Nations role in support of elections. He drew attention to the brutal conflict in Ituri and in the Kivus and stressed that there could be no justification for supplying weapons to armed groups. In that respect, he recommended that the Council consider imposing an arms embargo in those regions. He expressed concern at the Mission's limited presence in Ituri and appealed to the Council to urgently approve the deployment of a task force to Bunia, as well as the concept of operations for a MONUC brigade-size force. Emphasizing the importance of the disarmament, demobilization, repatriation, resettlement and reintegration process, he proposed that the mandate of MONUC should be expanded to assist the Transitional Government and to plan that process for Congolese combatants at its request. He also recommended that the mandate of MONUC be expanded for another year, with an increase in the authorized military strength to 10,800 and in the number of civilian personnel.

The President (Russian Federation) drew attention to a draft resolution;³⁶⁰ it was adopted unanimously and without debate as resolution 1489 (2003), by which the Council, *inter alia*, decided to extend the mandate of MONUC until 30 July 2003; and to remain actively seized of the matter.

**Decision of 28 July 2003 (4797th meeting):
resolution 1493 (2003)**

At its 4784th meeting, on 7 July 2003, the Council included in its agenda a letter dated 25 June 2003 from the Secretary-General to the President of the Council,³⁶¹ transmitting two reports, one from MONUC and the other from the United Nations High Commissioner for Human Rights, regarding the events which had occurred in the Democratic Republic of the Congo — in December 2002 and January 2003 in Mambasa, and on 3 April 2003 in Drodro, respectively.

At the meeting, at which statements were made by all Council members and by the representative of

the Democratic Republic of the Congo, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the Deputy United Nations High Commissioner for Human Rights.

Noting the breakdown of law and order in the Ituri region, the Under-Secretary-General stressed that the Democratic Republic of the Congo was in desperate need of an institutional framework whereby those guilty of crimes were held accountable. He called on the international community to support the establishment of a truth and reconciliation commission as well as a national observatory on human rights, as envisaged under the All-Inclusive Agreement of 17 December 2002. He remarked that the overall security situation in Bunia was stable and recalled that the rationale behind an enhanced security presence there had been to create sufficient political space for the Ituri interim administration to establish itself on a firmer footing. Noting that the deployment of the Interim Emergency Multinational Force in Bunia had benefited thousands of civilians, he believed it was vital that the MONUC brigade-size force recommended by the Secretary-General to replace it was configured with enough strength so that it could build on the achieved results of the current stabilizing presence of the Interim Force. He further announced that the problem regarding the distribution of military command posts had been finally resolved, and that President Kabila had issued a decree announcing the composition of the Transitional Government.³⁶²

The Deputy High Commissioner for Human Rights updated the Council on the human rights situation in the Democratic Republic of the Congo, and reported on specific cases of killings, torture, looting and destruction of property, mainly in Ituri. He declared that all parties in the eastern part of the country had continued to resort to human rights violations as a means of creating an atmosphere of terror and oppression in order to secure control over the population and natural resources, and that insecurity, terror and lack of cooperation from the parties had prohibited the conduct of thorough and comprehensive investigations into many cases of human rights violations in the Democratic Republic of the Congo. He emphasized that failure to take the necessary action to end the reign of impunity in the Democratic Republic of the Congo would encourage

³⁶⁰ S/2003/667.

³⁶¹ S/2003/674.

³⁶² S/PV.4784, pp. 2-5.

the perception of passivity and double standards on the part of the international community.³⁶³

The majority of speakers welcomed the establishment of the Transitional Government and expressed the hope that it would contribute to the settlement of the conflict and reconciliation, peace and economic rehabilitation in the Democratic Republic of the Congo. At the same time, speakers expressed their shock and revulsion at reports of continuing massacres, rapes and other atrocities. They agreed that putting an end to the culture of impunity and ensuring strict respect for human rights were essential for the peace process in the Democratic Republic of the Congo.

Several speakers believed that the Transitional Government should establish mechanisms to ensure that the perpetrators of serious human rights violations were brought to justice.³⁶⁴ In that context, the representative of Cameroon favoured setting up a national jurisdiction as part of the transitional institutions to which the international community would provide its support.³⁶⁵ Noting the positive role of the International Criminal Court in preventing impunity in the Democratic Republic of the Congo, the representative of Germany encouraged the Government of that country, a State party to the Court's statute, to seek assistance in addressing the shortcomings of its judicial system and to cooperate closely with the Court.³⁶⁶

A number of speakers also noted that the international community should assist the Congolese authorities in the establishment of a truth and reconciliation commission and a national observatory for human rights.³⁶⁷

At the 4790th meeting,³⁶⁸ on 18 July 2003, the President (Spain) drew attention to a letter dated

³⁶³ *Ibid.*, pp. 5-9.

³⁶⁴ *Ibid.*, p. 11 (Cameroon); p. 14 (France); p. 15 (Germany); and p. 18 (Bulgaria).

³⁶⁵ *Ibid.*, p. 11.

³⁶⁶ *Ibid.*, p. 15.

³⁶⁷ *Ibid.*, p. 11 (Cameroon); p. 12 (Syrian Arab Republic); p. 14 (France); p. 16 (Chile); p. 17 (Guinea); p. 18 (Bulgaria); and p. 21 (Mexico).

³⁶⁸ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41, and part IV, sect. B, with regard to Article 42.

14 July 2003 from the representative of Italy to the President of the Council.³⁶⁹

At the meeting, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and the former Special Representative of the Secretary-General for the Democratic Republic of the Congo. Statements were made by all Council members, the representatives of Bangladesh, Brazil, the Democratic Republic of the Congo, Egypt, Indonesia, Italy,³⁷⁰ Japan, Nepal, the Philippines, Rwanda and South Africa, and by the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union.

In his briefing, the Under-Secretary-General for Peacekeeping Operations focused on the situation in Bunia, where the security situation remained calm but tense, following a military operation undertaken by the Interim Emergency Multinational Force against the Union des patriotes congolais on 11 July. He reported that the increased return of internally displaced people to Bunia had required reinforced security measures and that the humanitarian situation, although much improved, remained a source of concern. Regarding the efforts of MONUC to operationalize the actions of the Ituri interim administration, he announced that the Mission, together with its partners, had taken a number of concrete measures, including human rights training, preliminary recruitment of Iturian police and preparing an interim operation plan for the disarmament, demobilization and reintegration of child soldiers. In spite of encouraging initial steps towards the normalization of life in Bunia, the Under-Secretary-General noted that many challenges remained, in particular the need to end the pervasive culture of war and impunity in the region. To that end, many efforts were under way to encourage armed groups in Ituri to engage in the political process. To dissuade further military action in Bunia, he declared that it was crucial to maintain the robust character of the troops stationed there and announced that the Department of Peacekeeping Operations and MONUC were working

³⁶⁹ S/2003/709. The representative of Italy requested that the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union be allowed to participate on behalf of the European Union in the Council's discussion.

³⁷⁰ On behalf of the Presidency of the Council of the European Union.

hard to ensure a seamless transition from the Interim Force to the MONUC force.³⁷¹

Focusing on the transitional process, the former Special Representative for the Democratic Republic of the Congo informed the Council that on 17 July several former opposition leaders had been formally sworn in as Vice-Presidents of the Transitional Government, which he termed a “landmark event” in the peace process. He pointed out that representatives of all entities of the inter-Congolese dialogue presently occupied ministerial positions in the Transitional Government. Noting that several challenges remained for the Transitional Government, he was encouraged by a Council draft resolution³⁷² containing wording for the deployment to Ituri of a robust force with an appropriate mandate. He stressed that additional action had to be taken to end the reign of impunity, not only in Ituri, but throughout the country, and called on the Council to maintain its active interest in moving the peace process forward.³⁷³

The Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union noted that the rapid deployment of the Interim Force, which marked the first time the European Union had sent military contingents outside Europe, had halted the massacres in Bunia, improved the security conditions and helped relaunch the peace process. He underlined the need to preserve the achievements made to date and expressed support for the Secretary-General’s recommendation to deploy a strengthened MONUC to Bunia within the planned time frame, with a mandate under Chapter VII of the Charter. In his view, security throughout the region could be achieved only by deploying more forces. At the same time, he stressed that strong pressure should be brought to bear on the warlords who were leading militias. In that connection, he noted that the European Union resolutely supported the proposal for an arms embargo aimed at the Kivus and Ituri. The European Union also intended to promote initiatives to prevent those responsible for war crimes, crimes against humanity and acts of genocide committed in the country from escaping punishment.³⁷⁴

The majority of speakers welcomed the establishment of the Transitional Government of national unity and paid tribute to the European Union, in particular to France, for the deployment of the Interim Force. They noted that the Transitional Government faced many challenges ahead, including the organization of free and fair elections.

Several speakers stressed that without having strong national human rights protection structures in place and putting an end to the widespread culture of impunity, there could not be genuine reconciliation or the consolidation of long-term, sustainable peace in the Democratic Republic of the Congo.³⁷⁵ Some speakers further noted with the interest the announcement made by the Prosecutor of International Criminal Court that the situation in Ituri had been designated as a most urgent situation to be followed.³⁷⁶ The representative of Germany welcomed the statement of the Prosecutor on the principle of complementarity of Court action and national actions.³⁷⁷

The representative of the Democratic Republic of the Congo declared that the issue of impunity would be among the priorities of the Transitional Government. He added that an “adequate institutional framework” was necessary and called for support by the international community for the establishment of a truth and reconciliation commission and the national observatory for human rights.³⁷⁸

Speakers shared the view that the enormous challenges facing the Transitional Government included the need to: extend its authority throughout the territory; reform and integrate the armed forces and the police; further promote the disarmament, demobilization and reintegration process; and dismantle the armed groups. The circulation of weapons was seen as a major obstacle to durable peace. A number of speakers therefore welcomed the imposition of an arms embargo against all rebel groups operating in eastern Congo and stressed the importance of establishing an effective monitoring mechanism of the proposed embargo.³⁷⁹

³⁷¹ S/PV.4790, pp. 2-4.

³⁷² Not issued as a document of the Council.

³⁷³ S/PV.4790, pp. 4-5.

³⁷⁴ *Ibid.*, pp. 6-8.

³⁷⁵ *Ibid.*, p. 25 (Pakistan); p. 26 (Bulgaria); and p. 33 (Brazil).

³⁷⁶ *Ibid.*, p. 9 (Germany); p. 11 (France); and p. 26 (Bulgaria).

³⁷⁷ *Ibid.*, p. 9.

³⁷⁸ *Ibid.*, p. 28.

³⁷⁹ *Ibid.*, p. 9 (Germany); p. 17 (United Kingdom); p. 19

The majority of speakers stated that in order to prevent a security vacuum in eastern Congo following the expiration of the mandate of the Interim Force on 1 September, it was of utmost importance that the personnel of MONUC was increased and that the Mission was given a more robust mandate under Chapter VII of the Charter. They, therefore, supported the draft resolution before the Council³⁷² and urged the Council to adopt it as soon as possible. Noting the special character of Chapter VII mandates, the representative of Japan opined that the draft resolution should establish under what conditions and in which geographical areas the mandate would be exercised. He stressed that such a mandate should be given to peacekeepers only in exceptional cases in which the urgency of the situation made it absolutely necessary and in which there were countries willing to contribute troops, as well as the clear prospect that the troops dispatched with such a mandate would contribute to the improvement of the situation. Furthermore, while acknowledging the need for strengthening MONUC to address the situation in Ituri, he considered it unrealistic to decide to send more troops in every region of the country.³⁸⁰ The representative of the Democratic Republic of the Congo called for the Council to adapt the mandate of MONUC to allow it not only to build on the achievements of the Interim Force, but to transform itself into a vast multidisciplinary operation for peacekeeping, operating throughout the entire national territory.³⁸¹

Speakers agreed that, beyond the support of the international community, a durable peace in the Democratic Republic of the Congo was largely dependent on cooperation of neighbouring States with the peace process and reiterated their support for the holding of a regional conference on the Great Lakes region.³⁸²

At its 4797th meeting, on 28 July 2003, the Council again included in its agenda the second special report of the Secretary-General on MONUC, dated 27 May 2003.³⁸³ The President (Spain) drew attention

(Chile); p. 24 (Pakistan); p. 25 (Bulgaria); p. 33 (Brazil); p. 34 (Japan); and p. 39 (Nepal).

³⁸⁰ Ibid., p. 34.

³⁸¹ Ibid., p. 27.

³⁸² Ibid., p. 11 (France); p. 16 (Russian Federation); p. 18 (United Kingdom); p. 19 (Chile); p. 21 (Cameroon); p. 24 (Pakistan); p. 32 (Egypt); and p. 37 (Philippines).

³⁸³ S/2003/566 and Corr.1.

to the report of the Security Council mission to Central Africa, 7 to 16 June 2003.³⁸⁴

At the meeting, at which the Secretary-General made a statement,³⁸⁵ the President also drew attention to a draft resolution;³⁸⁶ it was adopted unanimously as resolution 1493 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of MONUC until 30 July 2004;

Approved the temporary deployment of MONUC personnel; approved also the reconfiguration of the MONUC civilian police component; authorized MONUC to assist the Government of National Unity and Transition in disarming and demobilizing those Congolese combatants;

Demanded 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, was given to the movements and armed groups present in the Democratic Republic of the Congo;

Decided that all States, including the Democratic Republic of the Congo, should, for an initial period of 12 months from the adoption of the 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;

Decided that, at the end of the initial 12 months, the Council would 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 if no significant progress had been made in the peace process, in particular an end to support for armed groups, an effective ceasefire and progress in the disarmament, demobilization, repatriation, reintegration or resettlement by foreign and Congolese armed groups;

Authorized MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deemed it within its capabilities, in North and South Kivu.

In his statement, the Secretary-General congratulated the Council on adopting the resolution and giving MONUC the strong mandate it needed to fulfil its difficult mission. While pointing out the

³⁸⁴ S/2003/653.

³⁸⁵ The representative of the Democratic Republic of the Congo was invited to participate but did not make a statement.

³⁸⁶ S/2003/757.

inauguration of the Transitional Government, he stressed that the road ahead over the next two to three years towards free and fair elections would be difficult. He believed MONUC would play a key role in helping the Congolese achieve a sustainable peace leading up to a democratically elected Government. Lastly, he emphasized that there would be no substitute for the resolve of the Congolese leaders to implement their commitment to peace.³⁸⁷

**Decision of 13 August 2003 (4807th meeting):
resolution 1499 (2003)**

At its 4807th meeting, on 13 August 2003, the Council again included in its agenda the letter dated 15 October 2002 from the Secretary-General to the President of the Council,³⁸⁸ transmitting the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. The Secretary-General also transmitted, as requested in resolution 1457 (2003), the reactions from individuals, companies and States named in the report.³⁸⁹

At the meeting, in which the representative of the Democratic Republic of the Congo was invited to participate, the President (Syrian Arab Republic) drew attention to a draft resolution;³⁹⁰ it was adopted unanimously and without debate as resolution 1499 (2003), by which the Council, *inter alia*:

Requested the Secretary-General to extend the mandate of the Panel until 31 October 2003 to enable it to complete the remaining elements of its mandate, at the end of which the Panel would submit a final report to the Council;

Reiterated its demand that all States concerned take immediate steps to end the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo;

Requested the Panel to provide the necessary information to the Governments concerned as required in paragraphs 12 and 13 of resolution 1457 (2003), with due regard to safety of sources, in order to enable them, if necessary, to take appropriate action according to their national laws and international obligations;

Called on all States to respect the relevant Security Council resolutions in that regard; and decided to remain actively seized of the matter.

³⁸⁷ S/PV.4797, pp. 2-3.

³⁸⁸ S/2002/1146.

³⁸⁹ S/2002/1146/Add.1 and Corr.1.

³⁹⁰ S/2003/803.

**Decision of 26 August 2003 (4813th meeting):
resolution 1501 (2003)**

At its 4813th meeting, on 26 August 2003, the Council included in its agenda a letter dated 14 August 2003 from the Secretary-General to the President of the Council,³⁹¹ by which the Secretary-General announced that the preparations for the deployment by MONUC of a brigade-size force to Bunia were well under way. The preparedness of MONUC to take over from the Interim Emergency Multinational Force on 1 September notwithstanding, it was expected that the situation in Bunia could become volatile during the transition period. Informing that while it would begin to disengage following the transfer of authority on 1 September, the Interim Force would be ready to provide emergency support to MONUC, at the latter's request, to assist it in the performance of its mandated responsibilities in and around Bunia, if circumstances required. Taking into account that such support would contribute to the maintenance of international peace and security in the area during the transition period, the Secretary-General asked the Council to consider authorizing the Interim Force to provide assistance to the MONUC troops deployed in and around Bunia.

The President (Syrian Arab Republic) drew attention to a draft resolution;³⁹² it was adopted unanimously and without debate as resolution 1501 (2003), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Approved the recommendation contained in the Secretary-General's letter of 14 August 2003;

Authorized the States members of the Interim Emergency Multinational Force to provide assistance to the MONUC contingent deployed in the town and its immediate surroundings, if MONUC requested them to do so and if exceptional circumstances demanded it, during the period of the Force's disengagement which should last until 15 September 2003 at the latest;

Decided to remain actively seized of the matter.

**Decision of 19 November 2003
(4863rd meeting): statement by the President**

At its 4863rd meeting, on 19 November 2003, the Council included in its agenda a letter dated 23 October 2003 from the Secretary-General to the

³⁹¹ S/2003/821.

³⁹² S/2003/832.

President of the Council, transmitting the report of the Panel of Experts.³⁹³

In the report, the Panel of Experts noted that in the absence of a strong, central and democratically elected Government in control of its territory, the illegal exploitation of natural resources would continue and serve as motivation and fuel for continued conflict in the region. While the establishment of the Transitional Government was a significant step in the right direction, the Panel believed that the peace process was not yet irreversible. One of the most significant challenges was enabling the timely extension of the transitional authority throughout the national territory, in particular in such problematic areas as Ituri and the Kivus. Parallel to the extension of government authority, the Panel recommended that a number of institutional reforms be initiated to allow the democratically elected central Government, once in place, to ensure the legal exploitation of natural resources. Such institutional changes included the effective control of national borders, strengthening the accounting and auditing system, and breaking up the large State-owned resources enterprises. The Panel also believed that the most helpful factor in ensuring the reunification of the national territory would be the effective integration of the new armed forces. The Panel recommended the consideration of immediate interim measures to end the illegal exploitation of

natural resources, including stopping the flow of illegal arms to the Democratic Republic of the Congo. Stressing that the people of the Democratic Republic of the Congo needed to be quickly convinced that peace was better than conflict, the Panel recommended that specific quick-impact projects re-establishing social and economic infrastructure be undertaken to convince people of the advantages of peace. Lastly, the Panel believed that none of its recommendations could be sustained in the long term unless a regional solution was found.

At the meeting, in which to the representative of the Democratic Republic of the Congo was invited to participate, the President (Angola) made a statement on behalf of the Council,³⁹⁴ by which the Council, *inter alia*:

Condemned the continuing illegal exploitation of natural resources in the Democratic Republic of the Congo;

Reaffirmed the importance of stopping them by exerting, if need be, the necessary pressure on the armed groups, traffickers and all other actors involved;

Urged all States concerned, especially those in the region, to take the appropriate steps to end those illegal activities, by proceeding with their own investigations, on the basis, in particular, of information and documentation accumulated by the Panel during its work and forwarded to Governments, including through judicial means where possible, and, if necessary, to report to the Council.

³⁹³ S/2003/1027; the report was submitted pursuant to resolutions 1457 (2003) and 1499 (2003).

³⁹⁴ S/PRST/2003/21.

11. The situation in the Central African Republic

Decision of 10 February 2000 (4101st meeting): statement by the President

At its 4101st meeting, on 10 February 2000, the Security Council included in its agenda the ninth report of the Secretary-General on the United Nations Mission in the Central African Republic (MINURCA).¹ In his report, the Secretary-General observed that it appeared that the authorities of the Central African Republic had accepted the prospects of the withdrawal of MINURCA on 15 February 2000, despite their preference to have the drawdown delayed until December 2000. Noting that he had received a letter

from the President of Algeria and the Chairman of the Organization of African Unity² urging that more time be given to allow the new Government to consolidate peace, the Secretary-General noted that he had responded by stressing the importance of the determination of the parties to consolidate the progress made. The Secretary-General held that the people and Government of the Central African Republic had already demonstrated their strong commitment to democracy and peaceful development, but cautioned that the country remained vulnerable to the volatile situation in the subregion and that challenges remained, particularly with regard to the restructuring

¹ S/2000/24, submitted pursuant to Security Council resolution 1271 (1999).

² On 8 July 2002, the Organization of African Union ceased to exist and was replaced by the African Union.

of the security and armed forces. The Secretary-General pointed out that as from 15 February 2000, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) would take over from MINURCA. BONUCA would support the efforts of the Government to consolidate peace and democracy in the Central African Republic and added that preparations had begun on the restructuring and demobilization programmes.

At the meeting, the President (Argentina) made a statement on behalf of the Council,³ by which the Council, *inter alia*:

Commended MINURCA and the Special Representative of the Secretary-General for the contribution they had made to the restoration of peace and security in the Central African Republic;

Recognized the significant progress made by the Government of the Central African Republic in implementing the Bangui Agreements;

Urged the Government of the Central African Republic to continue to conform to the requirements of the economic reform and financial consolidation programmes agreed with the international financial institutions;

Welcomed the promulgation by the Central African authorities of three laws on the restructuring of the armed forces;

Welcomed in particular the decision by the Government of the Central African Republic to disband the Special Force for the Defence of the Republican Institutions;

Welcomed the decision by the Secretary-General, which had been accepted by the Government of the Central African Republic, to establish, for an initial period of one year that began on 15 February 2000, the United Nations Peacebuilding Support Office in the Central African Republic, headed by a representative of the Secretary-General.

**Decision of 23 January 2001 (4262nd meeting):
statement by the President**

At its 4261st meeting, on 23 January 2001, the Council included in its agenda the report of the Secretary-General on the situation in the Central African Republic and on the activities of BONUCA.⁴

In his report, the second on the subject, the Secretary-General observed that the situation in the Central African Republic was a source of great

concern. He warned that the lack of any political dialogue between the Government and the opposition did not contribute to the consolidation of the country's young democratic institutions. At the same time, the Secretary-General welcomed the fact that the Bretton Woods institutions had started providing assistance to the Government of the Central African Republic as the socio-economic situation in the country was extremely volatile and continued to cause social upheaval and strikes. Reporting that on 19 December 2000 an opposition rally, taking place in defiance of a Government ban, had been dispersed by security forces, and 73 people, including four parliamentarians had been arrested, he characterized the social situation in the country as "explosive". Moreover, the Secretary-General cautioned that the conflict in the Democratic Republic of the Congo had a negative impact on the Central African Republic through increased refugee flows, and reported that he had sent a Special Envoy to assess the impact of the conflict in the Democratic Republic of the Congo on the Central African Republic and the Republic of the Congo.

At the meeting, the Council heard briefings by the Representative of the Secretary-General and Head of BONUCA, the Acting Deputy Director of the Regional Bureau for Africa of the United Nations Development Programme (UNDP), and the Vice-President for External Affairs and United Nations Affairs of the World Bank. During the meeting, statements were made by all members of the Council, as well as by the representative of the Central African Republic⁵ and the Permanent Observer for the International Organization of la Francophonie.

Introducing the Secretary-General's report, the Representative of the Secretary-General and Head of BONUCA stressed the increase in tensions between the Government and the opposition, with the former delaying dialogue and the latter seemingly favouring confrontation and calling for the President's resignation. He cautioned that the socio-economic situation remained precarious, as did the human rights situation particularly with regard to "neighbourhood justice" and the situation for detainees. Noting that the security situation remained calm and that progress was being made in disarmament and restructuring of the security and defence forces, he pointed out that there

³ S/PRST/2000/5.

⁴ S/2001/35, submitted pursuant to the statement by the President of 10 February 2000 (S/PRST/2000/5).

⁵ The Central African Republic was represented by the Minister for the Promotion of Civic Responsibility in charge of relations with the Parliament.

had been no tangible progress on the demobilization and reintegration programme.⁶

The Acting Deputy Director of the Regional Bureau for Africa of UNDP reported that the National Programme for Demobilization and Reintegration, with support from UNDP, had established the technical conditions for implementation and was moving into its initial phase.⁷

The Vice-President for External Affairs and United Nations Affairs of the World Bank held that international institutions could provide some temporary relief for pressing problems like civil service salary arrears, but only determined efforts by the Government could address the root causes of the crisis — especially weak governance — and provide a lasting solution.⁸

During the debate, most speakers expressed serious concern about the political tensions and lack of dialogue in the Central African Republic, which, many members said, posed an obstacle to consolidation of the new democratic institutions in the country, and threatened to unravel the progress made over the past four to five years. While welcoming the progress made by BONUCA with regard to disarmament and restructuring of the security and defence forces, they deplored the slow pace of the demobilization and reintegration programme. Most speakers underlined the importance of international involvement in the Central African Republic, while emphasizing that the political will of the people of that country was imperative in order to move towards dialogue and national reconciliation. A number of speakers urged the Government of the Central African Republic to initiate dialogue, and called on the opposition to respond favourably to such an initiative.

Most members of the Council were concerned with the inadequate financial resources to deal with the problems facing the Central African Republic, and commended the assistance provided by the Bretton Woods institutions. Some Council members welcomed the approval by the International Monetary Fund (IMF) of debt relief for the country.⁹ Several speakers expressed concern with the arrears in the payment of civil servants, which contributed to the political and

social tensions, and prevented the proper functioning of the country's public institutions.

A number of Council members expressed concern for the repercussions of the conflict in the Democratic Republic of the Congo, particularly the impact of a new flow of refugees and of an increased circulation and trafficking in small arms. Many members looked forward to receiving recommendations from the Special Envoy of the Secretary-General on this issue.

The representative of the Central African Republic reaffirmed the interest of his Government in consolidating the country's democratic institutions, despite the logic of confrontation pursued by "some extremist political leaders". Moreover, he emphasized that the Central African Republic did not have a political crisis, as 95 percent of the institutions provided for in the Constitution were functioning well; but a social crisis, rooted in the events of the 1990s, which had created a backlog in payment to civil servants. He added that this economic backlog had only been worsened by the fuel crisis and the impact of the conflict in the Democratic Republic of the Congo. At the same time, the representative pointed to improvements in the human rights situation in his country. While noting that some "corrupt politicians" continued their disruptive and irresponsible activities, he indicated that the governing party did not have a militia. He pointed out that his Government continued to reiterate its openness to dialogue, and added that the opposition leaders did "sometimes visit" on non-political occasions.¹⁰

The representative of the International Organization of la Francophonie warned that the social crisis and lack of political dialogue in the Central African Republic could endanger reconciliation efforts. Recalling the efforts by that organization and its members in the Central African Republic, he reported that a recent mission, initiated by its Secretary-General, had recommended a comprehensive assessment of the implementation of the Bangui Agreements and of the National Reconciliation Plan as a way to renew dialogue among all actors in the country.¹¹

At its 4262nd meeting, on 23 January 2001, the Council again included the report of the Secretary-

⁶ S/PV.4261, pp. 3-4.

⁷ *Ibid.*, pp. 4-5.

⁸ *Ibid.*, pp. 5-7.

⁹ *Ibid.*, p. 7 (Mauritius); p. 10 (Bangladesh); p. 15 (China); p. 16 (Ireland); and p. 20 (Tunisia).

¹⁰ *Ibid.*, pp. 20-24.

¹¹ *Ibid.*, pp. 24-27.

General on BONUCA in its agenda.¹² The President (Singapore) then made a statement on behalf of the Council,¹³ by which Council, *inter alia*:

Commended BONUCA and the Special Representative of the Secretary-General for the efforts they have constantly made to contribute to peace and stability, expressed its concern at the political and social tensions which had recently resurfaced, and noted the absence of dialogue between the Government and the opposition;

Welcomed the contributions from bilateral and multilateral donors for the consolidation of public finances;

Strongly encouraged the Government to do everything in its power to strengthen democratic institutions and to take concrete measures to implement economic reforms;

Encouraged the Government to take all the necessary financial measures to relaunch the demobilization and reintegration programmes;

Urged all political actors to contribute to the reduction of tension;

Requested the Secretary-General to keep the Council informed on the progress made and to submit a report by 30 June 2001.

Decision of 17 July 2001 (4347th meeting): statement by the President

At its 4347th meeting, on 17 July 2001, the Council included in its agenda the third report of the Secretary-General on BONUCA.¹⁴ In his report, the Secretary-General stated that the situation in the Central African Republic had been further exacerbated by the unexpected attempted coup d'état, which had occurred on the night of 27-28 May 2001. Recalling his own as well as the Security Council's condemnation of the attempted coup, he reported that the former President of the Republic, General André Kolingba, had claimed responsibility for the attempt. The Secretary-General indicated that the Government of the Central African Republic had rejected an offer of negotiations by General Kolingba, allowing the fighting between loyalists and putschists to continue until 6 June 2001. He added that the President Ange-Félix Patassé, had reaffirmed that the trial of the putschists would be subject to international observation and had requested a Security Council delegation to be sent to Bangui to ascertain that weapons had been

found in the residence of former President Kolingba. The Secretary-General pointed out that the attempted coup d'état had further complicated the already tense social and economic situation, and had led to increased violations of human rights. Noting that the Front de libération du Congo, led by Jean-Pierre Bemba, had provided support to President Patassé during the attempted coup d'état, the Secretary-General voiced concern that the impact of the conflict in the Democratic Republic of the Congo on the Central African Republic risked getting a political dimension, in addition to the economic, humanitarian and security dimensions already at play. However, a recent visit by a Congolese delegation to Bangui seemed to have cleared up the misunderstandings between the two Governments.

At the meeting, the President (China) made a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Reiterated its condemnation of the recent attempted coup in the Central African Republic;

Expressed deep concern at the precarious situation in the country and the persisting acts of violence;

Strongly condemned the killing of the security coordinator for the United Nations system in the Central African Republic and urged to bring those responsible to justice;

Requested the Secretary-General to submit to it by 30 September 2001 recommendations on how the United Nations might further contribute to the recovery of the country;

Urged all States that made pledges at the special donor meeting to fulfil them; and called on the Bretton Woods institutions to conclude programmes with the country;

Stressed the crucial importance of poverty eradication, debt payment and public administration.

Decision of 26 September 2001 (4382nd meeting): statement by the President

At its 4380th meeting, on 21 September 2001, the Council included in its agenda the report of the Secretary-General on the situation in the Central African Republic.¹⁶ In his report, the Secretary-General characterized the situation in the Central African Republic following the coup attempt as seriously destabilized and requiring immediate and

¹² S/2001/35.

¹³ S/PRST/2001/2.

¹⁴ S/2001/660, submitted pursuant to the statement by the President of 10 February 2000 (S/PRST/2000/5).

¹⁵ S/PRST/2001/18.

¹⁶ S/2001/886, submitted pursuant to the statement by the President of 17 July 2001 (S/PRST/2001/18).

increased levels of external assistance. He observed that the period since the failed coup attempt had been marked by sharp political tensions with political dialogue no longer being on the agenda; further economic decline with the State being unable to pay salaries to public servants on a regular basis; simmering social tensions; and a lack of security as the crisis in the Democratic Republic of the Congo continued to spill over into the Central African Republic with increased proliferation of weapons and refugee flows. The Secretary-General added that more than 20,000 people had fled the Central African Republic during the violence surrounding the coup attempt, most of whom had crossed the border into the Democratic Republic of the Congo. He noted that the presence of a number of presumed putschists among those refugees constituted a security concern for the Central African authorities, who had since closed the border between the two States. The Secretary-General recommended a strengthening of the mandate of BONUCA with a special focus on promoting political dialogue and national reconciliation; monitoring the security situation and establishing an early warning mechanism; promoting respect for human rights; and providing political support for the mobilization of resources with a view to economic reconstruction of the country. The Secretary-General stressed that the proposed revision of the mandate of BONUCA would require a significant increase in the Mission's human, financial and material resources, and suggested that the mandate of a revamped BONUCA be extended for an additional year beyond 31 December 2001.

At the meeting, the Council received briefings by the Representative of the Secretary-General and by the Country Director of the World Bank. During the meeting, statements were made by all Council members, as well as by the representatives of Belgium (on behalf of the European Union¹⁷) and Egypt.¹⁸

In addition to introducing the report of the Secretary-General, the Representative of the Secretary-General reported on the efforts of BONUCA in helping the Government of the Central African Republic ease political and social tensions. He noted that, while

¹⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁸ The representative of the Central African Republic was invited to participate but did not make a statement.

efforts were also under way in the economic and security realms, the attempted coup d'état had exacerbated the situation to such an extent that the country was "almost completely devastated" and called on the country's partners to provide emergency assistance commensurate with the situation.¹⁹

The Country Director at the World Bank reported on the efforts by the World Bank and IMF to assist the Government of the Central African Republic in improving its economic management. He hoped that, in the coming months, the World Bank would be able to contribute to solving the economic management problems in the country.²⁰

All speakers expressed concern about the political, social, economic, human rights and security situation in the Central African Republic, and underlined the need for a coherent programme to address the numerous challenges related to peacebuilding in that country. In that connection, it was repeatedly stressed that while the primary responsibility for achieving progress rested with the Central Africans themselves, international assistance remained crucial. Some delegations pointed out that peacebuilding efforts were not just a matter for the Security Council, but should include a variety of international partners, and would require greater coordination between the Council and other United Nations organs.²¹

On the socio-economic challenges facing the Central African Republic, most speakers expressed particular concern with the arrears in payment of salaries to public employees and by the decision of the World Bank to suspend its disbursements to the country in the wake of the inability of the authorities to pay their exterior debt. Several speakers expressed the hope that the World Bank would soon resume its disbursements to the Central African Republic.²² In that context, the representative of Jamaica reiterated his view that structural adjustment programmes often did not take into account the special conditions in post-conflict societies.²³

¹⁹ S/PV.4380, pp. 2-4.

²⁰ Ibid., p. 5.

²¹ S/PV.4380, p. 7 (Ukraine); p. 10 (United Kingdom); and p. 11 (Bangladesh).

²² Ibid., p. 8 (Tunisia); and p. 9 (China).

²³ Ibid., p. 15.

Most speakers stressed the importance of restructuring the armed forces of the Central African Republic and of improving efforts to collect weapons throughout the country. Noting the destabilizing impact of the crisis in the Democratic Republic of the Congo on the already fragile situation in the Central African Republic, a number of delegations welcomed the close cooperation between the Representatives of the Secretary-General in the two countries and emphasized the importance of dialogue between all the countries in the region. In that context, several speakers were concerned by the refugee flows, and the thousands of refugees who had fled to the Democratic Republic of the Congo following the attempted coup d'état, and particularly with the alleged presence among them of a number of putschists. The representative of the United States observed that for these refugees to be able to return home, the border between the two countries needed to be reopened and the Government of the Central African Republic needed to guarantee that they would not be harmed upon return.²⁴ The representative of the Russian Federation agreed that refugees who had left the country out of fear of ethnic persecution needed to be enabled to return home safely.²⁵ The representative of the United Kingdom advocated that those forces that had fled following the coup be reintegrated into the armed forces instead of seeking to expand new recruitments.²⁵

Many speakers expressed concern about the general deterioration of the human rights situation in the Central African Republic, condemning human rights abuses, including extrajudicial violence on the part of the Government. Some delegations called on the Central African authorities to honour their commitment to ensure a fair and transparent trial for those responsible for instigating violence in connection with the attempted coup.²⁶

With regard to the recommendations of the Secretary-General to strengthen the mandate of BONUCA, most speakers expressed support for the proposals, but a number of delegations held that there was a need for the Council to receive further clarification of the budgetary implications.²⁷ At the same time, the representative of Singapore cautioned

against approving the new tasks for BONUCA without ensuring commensurate resources to the mission, as that would harm its credibility on the ground.²⁸ The representative of the United States indicated that any increase in the resources for BONUCA would depend on the efforts of the Government in working with BONUCA and in improving the domestic political dialogue.²⁹ The representative of France stated that the Council might have reduced the international presence "excessively" after the withdrawal of MINURCA, and expressed support for strengthening BONUCA. As a symbolic gesture, he also suggested that the Representative of the Secretary-General be promoted to Special Representative.³⁰

At its 4382nd meeting, on 26 September 2001, the Council invited the representative of the Central African Republic to participate and again included the report of the Secretary-General on the Central African Republic in its agenda.³¹ The President (France) made a statement on behalf of the Council,³² by which the Council, *inter alia*:

Expressed its continued deep concern at the precarious situation in the Central African Republic;

Reiterated its call on all parties for political dialogue, national reconciliation and respect for human rights in the spirit of the 1998 National Reconciliation Pact; and called on the Central African authorities to follow the internationally accepted standards for due process in the course of investigations and court trials of individuals involved in the coup attempt in May 2001;

Encouraged UNDP and the international financial institutions to consider, in consultation with the Government of the Central African Republic and the Secretary-General's Representative, ways of strengthening the capacities of the Government of the Central African Republic in the management of its economic and financial affairs, including through secondment of high-level experts;

Took note with interest of the intention of the Secretary-General, in coordination with the Government of the Central African Republic, to extend the mandate of BONUCA and to strengthen it in accordance with paragraph 29 of his report of 19 September 2001;

Underlined the need to continue the restructuring of the Central African armed forces to enable them to fulfil their role

²⁴ *Ibid.*, p. 8.

²⁵ *Ibid.*, p. 10.

²⁶ *Ibid.*, p. 8 (United States); and p. 13 (Ireland).

²⁷ *Ibid.*, p. 8 (United States); p. 10 (United Kingdom); p. 11 (Russian Federation); and p. 17 (France).

²⁸ *Ibid.*, p. 12.

²⁹ *Ibid.*, p. 9.

³⁰ *Ibid.*, p. 17.

³¹ S/2001/886.

³² S/PRST/2001/25.

effectively, loyally and impartially, in the service of the Central African people;

Also recalled the importance of implementing an effective arms-collection programme.

**Decision of 18 October 2002 (4627th meeting):
statement by the President**

At its 4627th meeting,³³ on 18 October 2002, the Council invited the representative of the Central African Republic to participate. The President (Cameroon) made a statement on behalf of the Council,³⁴ by which the Council, *inter alia*:

³³ At its 4571st meeting, held in private on 11 July 2002, the Council heard a briefing by the Representative of the Secretary-General and Head of BONUCA. At its 4658th meeting, held in private on 9 December 2002, the Council had a discussion with the Prime Minister of the Central African Republic.

³⁴ S/PRST/2002/28.

Welcomed the holding of the Summit of the Central African Economic and Monetary Community in Libreville on 2 October 2002 to consider the situation between the Central African Republic and the Republic of Chad;

Strongly supported the intention of the President of the Republic of Chad to visit Bangui in the very near future;

Also welcomed the readiness expressed by the African Union to continue to contribute towards ongoing efforts to normalizing the relations between Central African Republic and Chad and to promote peace and stability in the Central African region as stipulated in the communiqué of the eighty-fifth ordinary session of the central organ of the mechanism for Conflict Prevention, Management and Resolution issued on 11 October 2002, in Addis Ababa;

Expressed its full support for the decision to deploy in the Central African Republic an International Observation Force of 300 to 350 troops from Gabon, Cameroon, the Republic of the Congo, Equatorial Guinea and Mali with three main tasks: ensuring the safety of the President of the Central African Republic; observing and ensuring security on the border between Chad and the Central African Republic; and participating in the restructuring of the Central African Republic armed forces;

Requested the Secretary-General, through his Representative, to establish appropriate liaison with the Force; and invited the leadership of the Force to provide periodic reports, at least every three months.

12. The situation in Africa

**Deliberations of 10 January 2000
(4087th meeting)**

At its 4087th meeting,¹ on 10 January 2000, the Security Council included in its agenda the item entitled "The impact of AIDS on peace and security in Africa". At the meeting, the Council heard a briefing by the Secretary-General, following which statements were made by most Council members,² the

¹ For more information on the discussion at this meeting, see chap. I, part V, case 12, with regard to the order of speakers under rule 27 of the provisional rules of procedure; chap. XI, part I, sect. B, with regard to Article 39 of the Charter and interpretations of what constitutes a threat to international peace and security; and chap. VI, part II, sect. B, case 5, with regard to relations between the Security Council and the Economic and Social Council, in relation to Article 65.

² The representatives of China and the Russian Federation did not make statements. The representative of Mali, in addition to a statement in his national capacity, read out

representatives of Algeria, Australia, Brazil, Cape Verde (on behalf of the Group of African States), Cuba, Cyprus, the Democratic Republic of the Congo, Djibouti, Ethiopia, Indonesia, Italy, Japan, the Libyan Arab Jamahiriya, Mongolia, New Zealand,³ Nigeria, Portugal (on behalf of the European Union⁴), the Republic of Korea, Senegal, South Africa, Uganda, Zambia and Zimbabwe, as well as by the President of the World Bank, the Administrator of the United Nations Development Programme (UNDP), the Executive Director of the Joint United Nations Programme on HIV/AIDS, and the Assistant Secretary

a message on behalf of the Economic Community of West African States (ECOWAS).

³ Australia, Fiji, the Marshall Islands, the Federated States of Micronesia, Papua New Guinea, Solomon Islands, Tonga and Vanuatu aligned themselves with the statement.

⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

for Health and Surgeon-General of the United States of America.⁵

The President of the Security Council (United States) noted that the debate represented the first time the Council was discussing a health issue as a “security threat” which constituted a step away from the classic security agenda of the Council. Observing that when a single disease threatened “everything from economic strength to peacekeeping”, a security threat of the greatest magnitude was clearly to be faced and called for the new agenda to be pursued with determination, adequate resources and creative use of the new tools at the world’s disposal.⁶

Recognizing that HIV/AIDS was causing social and economic crises which in turn threatened political stability, the Secretary-General stated that the fight against HIV/AIDS in Africa should be an immediate priority as part of the efforts to achieve peace and security in the continent and welcomed the Council as an additional partner in the fight against the disease.⁷

In his briefing, the President of the World Bank observed that, AIDS being an issue that affected the peace and security of Africa, concerted efforts by the United Nations, as well as other actors such as the private sector and civil society, were needed. In this connection, he added, the focus on the priorities could be given by the Security Council. Recalling that poverty and development were the root causes of most of the conflicts, he held the view that it was essential for the Security Council to take actions in anticipation of a world that, without such action, would be a world in conflict.⁸

In his briefing, the Administrator of UNDP proposed to the Council a set of actions which included, inter alia, the support of Africa’s front-line efforts to combat HIV/AIDS; the promotion of inter-country cooperation; the allocation of adequate resources; a coordinated response by all stakeholders;

new public-private partnerships; cooperation with the pharmaceutical industry to bring down treatment costs. Emphasizing that HIV/AIDS was a “particularly cruel manifestation” of wider development challenges, he welcomed the fact that the Council had elevated it from a long-term economic and social issue to a current danger to be addressed as a matter of political priority.⁹

Recalling that over the past year African Governments, the United Nations, international donors, civil society and the private sector had come together to form a new international partnership against AIDS in Africa, the Executive Director of the Joint United Nations Programme on HIV/AIDS noted that there were no development problems that more urgently commanded a collective response from the international community.¹⁰

In their statements, speakers, inter alia, welcomed the initiative to discuss in the Council the impact of HIV/AIDS on peace and security in Africa; acknowledged that HIV/AIDS posed a threat to security, economic, social, and political development in Africa and elsewhere; highlighted that human security encompassed not only traditional threats to security but also humanitarian concerns; stressed the need for continued and concerted international cooperation to combat the disease; welcomed the fact that the United Nations and the Security Council had recognized the relationship between the spread of HIV/AIDS and the challenge of peace and security in Africa and their intent to coordinate efforts to combat the spread of the pandemic; concurred that, to combat the scourge of HIV/AIDS, some priority measures should be taken, including, inter alia, new private-public partnerships and the allocation of adequate resources, both for prevention and treatment; suggested different courses of actions that the United Nations could undertake, including, inter alia, the convening of a special session of the General Assembly and a more systematic cooperation between the Security Council and the other organs and bodies of the United Nations.

Deliberations of 31 January 2000 (4096th meeting)

At its 4096th meeting, on 31 January 2000, the Council heard a statement by the Deputy Secretary-General, following which all members of the Council,

⁵ The representatives of Bulgaria and Croatia were invited to participate in the meeting, but did not make statements. Namibia, Uganda and Zimbabwe were represented by their respective Ministers of Health. The President of the Security Council was represented, for the first part of the meeting, by the Vice-President of the United States.

⁶ S/PV.4087, pp. 2-4.

⁷ Ibid., pp. 4-5.

⁸ Ibid., pp. 8-9.

⁹ Ibid., pp. 9-11.

¹⁰ Ibid., pp. 11-12.

as well as the representatives of Algeria (on behalf of the Organization of African Unity (OAU)), South Africa and Zambia made statements.¹¹

In her opening statement, the Deputy Secretary-General encouraged the Council to undertake an energetic follow-up of the proposals made during the Security Council's "month of Africa". Noting, *inter alia*, that the Council had given new impetus to the fight against HIV/AIDS by recognizing the pandemic as a threat to Africa's security, she welcomed the fact that the Council had reaffirmed its long-standing engagement with Africa and pledged that the Secretariat would do everything possible to sustain the momentum generated by the "month of Africa" and to make sure that it was effectively harnessed with the United Nations system.¹²

In their statements, speakers expressed support for the "month of Africa" in the Security Council and concurred that it had raised public consciousness about important issues related to Africa and had broadened the definition of issues affecting peace and security; agreed that it was imperative to strengthen the momentum generated by the "month of Africa" and follow up with concerted and timely action on the issues of providing assistance to internally displaced persons as well as on the initiative on HIV/AIDS in Africa through the General Assembly and the Economic and Social Council. Many speakers raised points that dealt with specific situations. With regard to the situation in Burundi, they expressed support for the ongoing Arusha peace process and the facilitation efforts of former President Mandela. With regard to the situation in Angola, they welcomed the reiteration by the Government of Angola of its commitment to the Lusaka Protocol, expressed concern for the humanitarian situation, and supported the innovative work undertaken by the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola. With regard to the situation in Sierra Leone, many speakers supported the expansion of the mandate of the United Nations Mission in Sierra Leone (UNAMSIL) and, in connection with the situation in the Democratic Republic of the Congo, agreed that the Council needed to rapidly adopt a resolution authorizing a

peacekeeping operation with a mandate under Chapter VII of the Charter of the United Nations and expressed support for the Facilitator of the inter-Congolese dialogue, Sir Ketumile Masire; called for closer collaboration with OAU; and supported the convening of an international conference on peace, security, democracy and development in the Great Lakes region.

**Decision of 31 January 2002 (4465th meeting):
statement by the President**

At its 4460th meeting,¹³ on 29 and 30 January 2002, the Council included in its agenda a letter dated 10 January 2002 from the representative of Mauritius addressed to the President of the Security Council, transmitting a guideline document for the meeting.¹⁴ At the meeting, the Council heard briefings by the Deputy Secretary-General and the Secretary-General of OAU, following which statements were made by all members of the Council,¹⁵ the representatives of Algeria, Angola, Bangladesh, Canada, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Egypt, Ghana, India, Jamaica, Japan, Kenya, the Libyan Arab Jamahiriya, Malaysia, Morocco, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Spain, Tunisia, Uganda, Ukraine and Zambia,¹⁶ as well as by the President of the Economic and Social Council, the High Representative of the European Union for the European Union Common Foreign and Security Policy,

¹³ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 8, with regard to relations between the Security Council and the Economic and Social Council in relation to Article 65 of the Charter; and chap. XII, part III, sect. A, with regard to the role of regional organizations and Articles 52 to 54.

¹⁴ S/2002/46.

¹⁵ The United Kingdom was represented by its Under-Secretary of State for Foreign and Commonwealth Affairs; Guinea and Ireland by their respective Ministers for Foreign Affairs; Mexico by its Under-Secretary for Foreign Affairs for Africa, Asia-Pacific, Europe and the United Nations; and Norway by its State Secretary for Foreign Affairs.

¹⁶ The representative of Djibouti was invited to participate but did not make a statement. The Democratic Republic of the Congo, Senegal and Zambia were represented by their respective Ministers for Foreign Affairs; Mozambique and Morocco by their respective Deputy Ministers for Foreign Affairs; Algeria by its Minister in Charge of African Affairs; Angola by its Vice-Minister for External Relations; and South Africa by its Minister for Environmental Affairs and Tourism.

¹¹ South Africa and Namibia were represented by their respective Ministers for Foreign Affairs, and Zambia by the President of the Republic.

¹² S/PV.4096, pp. 2-4.

and the Assistant Secretary-General for Political Affairs.

In her opening statement, the Deputy Secretary-General focused on the need to build a stronger relationship between the United Nations, OAU, and African subregional organizations in order to develop integrated approaches to conflict prevention, peacekeeping and peacebuilding. Noting that OAU, subregional organizations and individual African States had shown a commendable interest in assuming a more prominent role in peacekeeping in Africa, she pointed out that it was vital for the international community to make more serious and concerted efforts to build up and sustain regional capacities in peacekeeping. In the area of post-conflict peacebuilding, highlighting the crucial importance of national reconciliation and accountability for atrocities, she stressed the need to put disarmament, demobilization and, especially, reintegration programmes on a solid, long-term financial footing and suggested that the Council might wish in the future to include such matters in United Nations mandates it authorized. Regarding the effectiveness of sanctions, the Deputy Secretary-General noted the progress achieved since the Security Council had taken to establishing panels of experts to investigate violations of sanctions regimes. Recalling the mechanism envisaged by resolution 1373 (2001) to deal with those who sought to use commercial and financial transactions for illegal and violent ends, she expressed the hope that the Council would use the political momentum to reinforce its call on Member States to make the violations of arms embargoes it had imposed a criminal offence under their national laws.¹⁷

The Secretary-General of OAU stated that the United Nations should intensify its cooperation with OAU and regional and subregional organizations, which remained the key partners in any global settlement of conflicts in Africa, and therefore proposed the creation of a consultative mechanism between the Security Council and the Central Organ of OAU on conflict resolution. Highlighting the paramount responsibility of the Security Council in the partnership between the United Nations and OAU, he noted that Africa itself must shoulder its responsibilities, playing a more active role in the area of conflict prevention, management and resolution.¹⁸

Emphasizing that the multidimensional nature of conflict prevention and post-conflict peacebuilding demanded a multidisciplinary approach, the President of the Economic and Social Council underlined the importance of effective collaboration between the Security Council and the Economic and Social Council, so that they could work in the field in a complementary fashion.¹⁹

In their statements, delegations touched on a wide variety of issues and concurred, *inter alia*, on the need to: adopt a comprehensive, pragmatic and result-oriented approach to conflict prevention, crisis management, conflict resolution and post-conflict rehabilitation, reconstruction and development, as outlined in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa;²⁰ implement quickly the conclusions and recommendations contained in the Millennium Declaration relating to Africa; respond to the changing nature of conflicts and the prevailing nature of regional and intra-State conflicts by modifying the approach to peacekeeping so as to reflect the new realities and by shifting from a policy of reaction to a policy of conflict prevention; undertake a more active and structured dialogue between OAU, African subregional organizations and the United Nations; promote a better coordination between the relevant United Nations organs, programmes and mechanisms, in particular the Security Council and the Economic and Social Council, in dealing with conflict and post-conflict situations in Africa, as well as a better coordination of peace initiatives, both in areas of conflict prevention, conflict management and conflict settlement; support the implementation of the New Partnership for Africa's Development (NEPAD); encourage African institutions to take a leading role in dealing with issues of conflict prevention, conflict management and post-conflict reconstruction and development, with the assistance of the United Nations and the international community.

Furthermore, during the debate, several conclusions containing specific proposals for the improvement of the Security Council's action in Africa were put forward by speakers. In particular, with regard to conclusions of a more institutional nature, several speakers concurred, *inter alia*, on the need to:

¹⁷ S/PV.4460, pp. 2-5.

¹⁸ *Ibid.*, pp. 5-9.

¹⁹ *Ibid.*, pp. 34-35.

²⁰ S/1998/318.

strengthen the framework for cooperation between the Security Council and the Economic and Social Council at the institutional level,²¹ including through the establishment of an ad hoc working group of the Security Council;²² strengthen the cooperation between the Security Council and regional and subregional organizations, particularly OAU;²³ create a framework for consultative cooperation between the Security Council and OAU Mechanism for Conflict Prevention, Management and Resolution and such organs as exist within the subregional organizations;²⁴ strengthen the early warning and conflict-prevention mechanisms in Africa, within the framework of OAU and the relevant subregional organizations;²⁵ strengthen the cooperation between the United Nations and the Bretton Woods institutions with regard to the problems of peace, security and development in Africa²⁶.

With regard to recommendations of a more operational nature, proposals by delegations included, inter alia, regular consultations, information sharing and joint projects between African organizations and the United Nations and its structures;²⁷ further coordination in the improvement of the efficiency of sanctions and in minimizing their detrimental effects on the general population, for instance through the

creation of a “permanent follow-up mechanism” on the application of measures imposed by the Council;²⁸ more Security Council visits on the ground in connection with peacekeeping operations in Africa;²⁹ establishment by the Security Council of a working group on Africa with a clear action-oriented mandate;³⁰ more importance and adequate funding for post-conflict development, for instance through programmes of disarmament and reintegration of former combatants to ensure a smoother transition from conflict settlement to post-conflict rehabilitation;³¹ better coordination of activities aimed at curbing the traffic of small arms and light weapons and the illegal exploitation of natural resources of Africa;³² better coordination of activities to tackle the illicit exploitation of natural resources;³³ strengthening the peacekeeping potentials of African States and organizations, including through training and military exercises, exchange of information, logistical support and financing.³⁴

²¹ S/PV.4460, p. 12 (Ireland); p. 21 (Democratic Republic of the Congo); and p. 34 (South Africa, President of the Economic and Social Council); S/PV.4460 (Resumption 1), p. 3 (Colombia); p. 11 (Singapore); p. 18 (Mauritius); and p. 28 (Bangladesh); and S/PV.4460 (Resumption 2), p. 5 (Jamaica).
²² S/PV.4460 (Resumption 1), p. 18 (Mauritius); and S/PV.4460 (Resumption 2), p. 15 (Kenya).
²³ S/PV.4460, p. 16 (Mexico); S/PV.4460 (Resumption 1), pp. 3-4 (China); p. 13 (Syrian Arab Republic); pp. 25-26 (Tunisia); p. 30 (Cuba); and p. 37 (Nigeria); S/PV.4460 (Resumption 2), p. 4 (Ghana); p. 5 (Jamaica); p. 7 (India); and p. 13 (Malaysia).
²⁴ S/PV.4460, p. 10 (United Kingdom); p. 12 (Ireland); p. 19 (Guinea); and p. 20 (Democratic Republic of the Congo); S/PV.4460 (Resumption 1), p. 2 (Colombia); p. 17 (United States); pp. 21-22 (Egypt); p. 23 (Tunisia); S/PV.4460 (Resumption 2), p. 4 (Ghana); and p. 10 (Ukraine).
²⁵ S/PV.4460, p. 10 (United Kingdom); p. 12 (Ireland); p. 15 (Norway); p. 22 (Algeria); and p. 34 (South Africa); S/PV.4460 (Resumption 1), pp. 3-4 (China); p. 5 (Russian Federation); p. 7 (Bulgaria); and p. 10 (Singapore).
²⁶ S/PV.4460, p. 15 (Mexico); and S/PV.4460 (Resumption 1), p. 28 (Bangladesh).
²⁷ S/PV.4460, p. 10 (United Kingdom); and S/PV.4460 (Resumption 1), p. 12 (Syrian Arab Republic).

²⁸ S/PV.4460 (Resumption 1), p. 15 (France).

²⁹ S/PV.4460, p. 29 (Mozambique); S/PV.4460 (Resumption 2), p. 3 (Ghana); and p. 13 (Malaysia).

³⁰ S/PV.4460, p. 10 (United Kingdom); p. 18 (Guinea); S/PV.4460 (Resumption 1), p. 11 (Singapore); p. 15 (France); p. 41 (Canada); S/PV.4460 (Resumption 2), p. 4 (Ghana); and p. 14 (Malaysia).

³¹ S/PV.4460, p. 12 (Ireland); p. 15 (Mexico); pp. 22-23 (Algeria); p. 26 (Zambia); p. 34 (South Africa); S/PV.4460 (Resumption 1), p. 3 (Colombia); pp. 5-6 (Russian Federation); pp. 9-10 (Cameroon); p. 10 (Singapore); p. 13 (Syrian Arab Republic); p. 26 (Tunisia); p. 28 (Bangladesh); p. 34 (Côte d’Ivoire); p. 39 (Sierra Leone); and S/PV.4460 (Resumption 2), p. 13 (Malaysia).

³² S/PV.4460, p. 12 (Ireland); p. 16 (Mexico); p. 23 (Algeria); p. 34 (South Africa); S/PV.4460 (Resumption 1), p. 2 (Colombia); p. 7 (Bulgaria); p. 27 (Tunisia); p. 37 (Nigeria); p. 39 (Sierra Leone); p. 41 (Canada); and S/PV.4460 (Resumption 2), p. 3 (Ghana); p. 6 (Jamaica); and p. 16 (Kenya).

³³ S/PV.4460, p. 16 (Mexico); p. 21 (Democratic Republic of the Congo); and S/PV.4460 (Resumption 1), pp. 41-42 (Canada).

³⁴ S/PV.4460, p. 23 (Algeria); p. 34 (South Africa); S/PV.4460 (Resumption 1), p. 2 (Colombia); p. 5 (Russian Federation); p. 9 (Cameroon); p. 22 (Egypt); p. 26 (Tunisia); and S/PV.4460 (Resumption 2), p. 3 (Ghana); p. 8 (India); and p. 12 (Libyan Arab Jamahiriya).

At the 4465th meeting, on 31 January 2002, the President (Mauritius) made a statement on behalf of the Council,³⁵ by which the Council, *inter alia*:

Reaffirmed the principles of political independence, sovereignty, and territorial integrity of all States;

Underscored the importance of partnership and enhanced coordination and cooperation between the United Nations, OAU and subregional organizations in Africa in the promotion of regional peace and stability; called on the United Nations system to intensify its cooperation to OAU and subregional organizations in Africa; stressed that good governance, democracy, rule of law, disarmament, and respect of human rights and the fight against poverty were essential for peace, stability and sustainable development in Africa;

Expressed concern over the effects of conflicts on civilian populations and underlined the need to address the problem of refugees and displaced persons;

Urged the international community and donors to coordinate their effort in the fight against AIDS;

Called upon donor countries and the Bretton Woods institutions to continue assisting Africa in implementing initiatives in support of economic growth and poverty reduction.

Deliberations of 22 May 2002 (4538th meeting)

At its 4538th meeting,³⁶ on 22 May 2002, the Council included in its agenda the question of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa. The Council heard a briefing by the Chairman of the Ad Hoc Working Group on Africa, following which statements were made by some Council members (Colombia, China, France, Ireland, Mauritius, Mexico, Norway and the United Kingdom),³⁷ the representatives of Algeria, Australia, Bahrain, Bangladesh, Benin (on behalf of the Group of African States), the Central African Republic, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Egypt, Ethiopia, the Gambia, India, the Libyan Arab Jamahiriya (on behalf of the Community of Sahelo-Saharan States),³⁸

Japan, Malawi, Mali, Morocco, Mozambique, Nepal, Nigeria, the Republic of Korea, Rwanda, Senegal, Sierra Leone, Somalia, Spain (on behalf of the European Union³⁹), South Africa, Tunisia, Ukraine, the United Republic of Tanzania and Zambia, as well as by the Permanent Observer of OAU,⁴⁰ the President of the Economic and Social Council, the Assistant Secretary-General for Political Affairs, and the Special Representative of the European Union Presidency for the Mano River Union countries.⁴¹

In his introductory remarks, the President of the Council (Singapore) noted that, following the establishment of the Ad Hoc Working Group on Africa in February 2002, the meeting was envisaged as an "outreach" session that would give the wider membership an opportunity to provide its input and feedback on the work of the Working Group, through a frank and interactive discussion.⁴²

In his first briefing to the Council, the Chairman of the Ad Hoc Working Group on Africa noted that the Working Group had been set up to monitor the recommendations contained in the statement by the President of 31 January 2002 and to enhance coordination with the Economic and Social Council.⁴³ He then outlined the programme of work of the Working Group which, on the basis of the note by the President dated 1 March 2002,⁴⁴ included

Republic, Chad, Djibouti, Egypt, Eritrea, the Gambia, Libyan Arab Jamahiriya, Mali, Morocco, the Niger, Nigeria, Senegal, Somalia, the Sudan, Togo and Tunisia, with Liberia as an observer.

³⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement. The representative of Spain, after his statement, gave the floor to the Special Representative of the Presidency of the European Union to countries of the Mano River Union.

⁴⁰ At the outset of the meeting, the President of the Security Council drew the attention of Council members to a letter dated 20 May 2002 from the representative of Mauritius addressed to the President of the Security Council, requesting that the Council extend an invitation to the Permanent Observer of OAU to the United Nations (S/2002/554).

⁴¹ The representatives of Angola, Burundi, Cape Verde, Gabon, Pakistan and Malaysia were invited to participate in the meeting but did not make statements.

⁴² S/PV.4538, p. 3.

⁴³ S/PRST/2002/2.

⁴⁴ S/2002/207.

³⁵ S/PRST/2002/2.

³⁶ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 8, in regard to relations between the Security Council and the Economic and Social Council in relation to Article 65 of the Charter; and chap. XII, part II, case 16, in regard to Article 24.

³⁷ The representatives of Bulgaria, Cameroon, Guinea, the Russian Federation, Singapore, the Syrian Arab Republic and the United States did not make statements.

³⁸ The members of the Community of Sahelo-Saharan States are Benin, Burkina Faso, the Central African

strengthening cooperation and coordination between the Security Council and the Economic and Social Council; encouraging confidence-building in the region of the Mano River Union; enhancing the role of the special representatives of the Secretary-General in Africa; examining ways in which the United Nations could provide assistance to electoral observation and processes; the establishment of groups of friends for specific conflict situations; addressing the need for enhanced cooperation with OAU and other subregional organizations and the Security Council; and enlisting the contribution of non-governmental organizations, universities and academia in the work of the Working Group. Acknowledging that the programme of work was “quite ambitious”, the Chairman of the Working Group welcomed any views by non-Council members on how the Working Group could be operationalized to address the situation in Africa in concrete ways.⁴⁵

In his statement, the President of the Economic and Social Council welcomed the establishment of the Ad Hoc Working Group on Africa as another important step in the improvement of cooperation between major United Nations bodies. He noted that, as a central intergovernmental body for coordination in the United Nations system, the Economic and Social Council could help in addressing the causes of conflict and the promotion of durable peace and sustainable development in Africa and create an effective partnership with the Security Council on the implementation of conflict prevention and recovery strategies. He highlighted the proposal that the Economic and Social Council establish its own ad hoc advisory group on African countries emerging from conflict.⁴⁶

The Permanent Observer of OAU observed that OAU, being at a critical stage of its development that would lead to the creation of the African Union,⁴⁷ was undertaking a review of its structure and methods in the area of conflict prevention. Noting that one proposal which had emerged was the creation of a central organ for conflict prevention, he encouraged, inter alia, the Working Group to promote and strengthen cooperative mechanisms between OAU, subregional organizations and the Council in order to

rationalize efforts in the area of prevention of conflict.⁴⁸

The Assistant Secretary-General for Political Affairs, while stressing that the Security Council had devoted considerable time and efforts over the past five years on African issues and had strengthened bilateral cooperation between the United Nations and African organizations, welcomed the establishment of the Ad Hoc Working Group on Africa as the missing link in the work of the Council that would enable it to strengthen its cooperation with regional and subregional organizations in Africa. In addition to the regular consultations between the Working Group and the Permanent Observer of OAU in New York, he proposed the rationalization of the system of international exchanges between the Security Council and the Central Organ of OAU for periodic discussion of questions on the agenda of the two organizations that could have an impact on peace and security in Africa. Such a system, he added, could also be extended to all subregional African organizations.⁴⁹

Speakers generally welcomed the establishment of the Ad Hoc Working Group on Africa and, inter alia, supported its mandate and programme of work. Stressing that the root causes of conflict included poverty and underdevelopment and highlighting the relationship between peacebuilding and socio-economic development, several speakers supported the increased cooperation being developed between the Economic and Social Council and the Security Council, also through the efforts of the Working Group; proposed to enhance cooperation between the Security Council and OAU, as well as with other African subregional organizations, on conflict prevention and resolution, in particular between the Central Organ of the OAU Mechanism and the Working Group; stressed the important role of African-driven initiatives, such as NEPAD, in promoting good governance and economic responsibility; recalling the importance of conflict prevention, emphasized that regional organizations could help in providing early warning to the Security Council and the United Nations in general.

⁴⁵ S/PV.4538, pp. 3-5.

⁴⁶ *Ibid.*, pp. 5-7.

⁴⁷ On 8 July 2002, the Organization of African Unity ceased to exist and was replaced by the African Union.

⁴⁸ S/PV.4538, pp. 7-8.

⁴⁹ *Ibid.*, pp. 8-11.

Deliberations of 18 July 2002 (4577th meeting)

At the 4577th meeting,⁵⁰ on 18 July 2002, the President of the Security Council (United Kingdom) explained that, following introductory statements by the Secretary-General and the Ministers for Foreign Affairs of Sierra Leone and Guinea, the meeting would have the format of a workshop divided in two parts: “Lessons learned in Sierra Leone” in the morning session; and “Developing a coordinated action plan for the Mano River” in the afternoon session. Referring to the former session, the President acknowledged that, although peace was finally established in Sierra Leone, enormous post-conflict challenges remained in the delicate transition from peacekeeping to peacebuilding. She therefore stated that it was important to learn the lessons from the United Nations experience that might be relevant to other conflict situations and to consider how the United Nations could focus more on peacebuilding in Sierra Leone. Concerning the situation in the Mano River Union, the President of the Security Council stressed the importance of looking at ways to work with the countries in the Mano River Union to support a regional approach and of raising the United Nations profile to facilitate and coordinate the peace process in Liberia.⁵¹

In his briefing, the Secretary-General stated that the United Nations peacekeeping experience in Sierra Leone offered invaluable lessons, not only because of the success achieved by the Mission, but also due to the trials encountered in the early stages of the peacekeeping operation. Noting that when the United Nations decided to get involved in operations in “fluid and ambiguous” situations, it had to be prepared for the unpredictable, the Secretary-General observed that the key factors were effective preparation, adequate resources, enough analysis and information to anticipate how the crisis could develop, and the resources and political will to stay engaged until the objectives were achieved.⁵²

The Ministers for Foreign Affairs and International Cooperation of Sierra Leone, highlighting

various lessons learned from UNAMSIL as well as the unique character of the mission, held the view that in deciding to deploy a peace operation, the United Nations should, *inter alia*, take into account the particular circumstances of the conflict, the capacity of regional and subregional organizations to perform peacekeeping activities, the humanitarian dimension of the conflict, the role of natural resources in fuelling the conflict, and the special role of certain countries. He noted that the success of UNAMSIL in achieving its objectives was due in large part to the fact that the peace operation reflected the links among peacekeeping, peacebuilding, good governance, security, and post-conflict concerns, as well as to its acting in concert with regional and bilateral partners. However, citing the escalating violence in Liberia and the movements of refugees, he emphasized the importance of applying the lessons learned in Sierra Leone to the entire subregion.⁵³

The Minister for Foreign Affairs of Guinea argued that one of the key factors which contributed to the success of UNAMSIL was represented by the fact that the mission had been given a clear and precise mandate and that appropriate resources were devoted. Believing that the United Nations should continue to promote peacebuilding in Sierra Leone, he outlined a number of measures for consideration by the Council, which included, *inter alia*, the restructuring of the army and the police, the extension of State authority throughout the country, the promotion of good governance and human rights, and programmes to combat poverty. Expressing concern at the situation in Liberia, which, unlike Sierra Leone, had not experienced a real exit strategy at the end of the war, he hoped that a number of measures could be adopted, such as: a ceasefire; continued inter-Liberian dialogue; a genuine disarmament, demobilization and reintegration programme; the adoption of an economic recovery programme; the extension of the Liberian authority throughout the country; and the continuation of sanctions until the conditions stipulated in the relevant Security Council resolutions were met by the Government of Liberia.⁵⁴

Following the remarks by the Ministers for Foreign Affairs of Sierra Leone and Guinea, the Council started the session regarding “Lessons learned

⁵⁰ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 8, with regard to relations between the Security Council and the Economic and Social Council in relation to Article 65 of the Charter; and chap. XI, part III, sect. B, with regard to sanctions and Article 41.

⁵¹ S/PV.4577, p. 3

⁵² *Ibid.*, pp. 3-4.

⁵³ *Ibid.*, pp. 4-7.

⁵⁴ *Ibid.*, pp. 7-9.

in Sierra Leone". Statements were made by the representatives of some Council members,⁵⁵ Japan, as well as the Under-Secretary-General for Peacekeeping Operations, the Deputy Emergency Relief Coordinator, the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, the President of the Economic and Social Council and the Deputy Permanent Observer of the African Union.⁵⁶

Focusing on the crisis which occurred in Sierra Leone following the abduction of several hundred United Nations peacekeepers, the Under-Secretary-General for Peacekeeping Operations maintained that the crucial factors for the success of UNAMSIL included the willingness of the Council to strengthen the Mission's mandate and to build up troop levels, as well as the readiness by Member States to provide the necessary resources for the Mission. Citing other key lessons from the experience of UNAMSIL, he highlighted different elements such as: unity among key actors, which had translated into clarity of objectives and clearer rules of engagement; quality, training and support for Mission personnel and political guidance behind the Mission; the integrated nature of the Mission; the reassessment of the mission in the light of changed circumstances on the ground; the review of the force command structure and the restructuring of the non-military elements; and the continuous political engagement of the Economic Community of West African States (ECOWAS) after the withdrawal of the ECOWAS Monitoring Group. While recognizing the role played by the United Kingdom in Sierra Leone, he noted that the "lead nation" approach would not necessarily be applicable to all future situations. In concluding his remarks, the Under-Secretary-General observed that sustained efforts were needed in the move from peacekeeping to peacebuilding, particularly by supporting the efforts of the Government of Sierra Leone to achieve long-term development, capacity-building, national reconciliation, security sector

development, good governance and the full reintegration of former combatants.⁵⁷

The Deputy Emergency Relief Coordinator focused on the issue of the protection of civilians and the importance of an integrated approach in Sierra Leone. While recognizing that the UNAMSIL mandate was exemplary in terms of including the protection of civilians, she added that one of the lessons learned was that it could have been even more comprehensive had it specifically referred to the special protection and assistance needs of women and girls.⁵⁸

In his statement, the Chairman of the Committee established pursuant to resolution 1132 (1997), outlining some lessons learned with respect to the sanctions applied in Sierra Leone, held the view that the arms embargo had a limited effect because the presence of UNAMSIL and the successful disarmament process had led to the eradication of the circulation of weapons in the country. Noting that sanctions were not a guarantee that weapons would not pass back into Sierra Leone, he stressed that emphasis should be placed on compliance with sanctions by third parties and that an additional effort should be made by the international community to identify the origin of the weapons circulating in the Mano River Union region and to review and update regularly the list of individuals subject to travel restrictions, in order to stimulate political processes in the countries of the region.⁵⁹

In their statements related to the lessons learned in Sierra Leone, speakers, *inter alia*, focused on the importance of the following factors: flexibility in responding to changing circumstances; integrated efforts, both within United Nations agencies and between the United Nations and regional players; comprehensive approach and regional cooperation; rapid agreement to an appropriate and robust mandate for any peacekeeping force, backed up with adequate financing and resources; integrated humanitarian efforts, economic rehabilitation and reconstruction both in the short and long term; security sector and justice reform in the post-conflict phase.

The representative of the United States expressed the view that each conflict had many variables, and "overpromising" and "overextending" the United

⁵⁵ Bulgaria, Cameroon, Colombia, the Syrian Arab Republic and the United States.

⁵⁶ The President of the Security Council drew the attention of the Council to a letter dated 15 July 2002 from the representative of the United Kingdom addressed to the President of the Security Council requesting that the Deputy Permanent Observer of the African Union be invited to the meeting (S/2002/761).

⁵⁷ *Ibid.*, pp. 9-12.

⁵⁸ *Ibid.*, pp. 13-16.

⁵⁹ *Ibid.*, pp. 17-19.

Nations capacity to deliver on the ground would not solve a conflict situation. He added that the United Nations and the Council should stand ready to support the parties' efforts and foster an environment in which peace could take root. However, while rejecting the idea that the events in Sierra Leone provided universal lessons for the United Nations, he stated that one of the lessons learned from Sierra Leone was that the Security Council and the United Nations could better manage their efforts in the peacekeeping, diplomatic and humanitarian field to support peace processes in conflict situations in which there was an existing commitment by the parties to resolve the conflict.⁶⁰

Upon the resumption of the 4577th meeting, devoted to the topic "Developing a coordinated action plan for the Mano River", the Council heard briefings by the Under-Secretary-General for Political Affairs, the Director for West Africa of UNDP, the Deputy Executive Secretary of ECOWAS,⁶¹ the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa and the Chairman of the Committee established pursuant to resolution 1343 (2001) concerning Liberia. Statements were also made by some Council members,⁶² the representatives of Morocco and Sierra Leone,⁶³ and the Senior Social Protection Specialist for Regional Human Development of the World Bank.

Concentrating his remarks at the situation in Liberia and at the political efforts to stabilize the subregion, the Under-Secretary-General for Political Affairs warned that the instability in Liberia risked hampering the significant gains made in the peace process in Sierra Leone. He opined that the current containment policy towards Liberia had its limitations and should therefore be complemented with a coherent and constructive political agenda. In that respect, he

held that the international community should encourage and support the efforts by ECOWAS and Liberian political and civil society organizations to exert pressure on President Taylor to create a conducive environment for carrying out security sector reforms and for promoting good governance, dialogue and national reconciliation. He also held the view that the time might have come for the establishment of a Contact Group on the Mano River Union.⁶⁴

Focusing on a development perspective, the Director for West Africa of UNDP suggested two strategies which included mandating the United Nations Office for West Africa to prepare, in association with the Mano River Union secretariat in ECOWAS, a coordinated and integrated United Nations Assistance Framework and Development Strategy for the region to support, on the development side, the Rabat peace process and help in building confidence among parties by focusing on key cross-border initiatives on issues such as HIV/AIDS, fishing rights and cross-border trade.⁶⁵

The Deputy Executive Secretary of ECOWAS held that peace and security in the Mano River region was based on three basic pillars: the maintenance of internal peace in Sierra Leone, through the continuation of the disarmament, demobilization and reintegration process, the reconstruction of State institutions and national reconciliation; peace in the Mano River region through, inter alia, the demobilization of armed groups in the region; and the importance of peace being restored in the subregion in the context of ECOWAS. With regard to the action that the Security Council could take to support the efforts of ECOWAS, he suggested that its institutions and decisions could be strengthened and efforts could be made to pressure all parties in Liberia to sit at the negotiating table.⁶⁶

Following the statements by the keynote speakers, most delegations, inter alia, noted the need to encourage regional efforts of reconciliation within Liberia and between Liberia and its neighbours; supported the Mano River Union and ECOWAS in their efforts to promote greater security and confidence-building measures between the three countries; recognized the importance of the new United

⁶⁰ Ibid., p. 21.

⁶¹ Upon the resumption of the meeting, the President of the Security Council drew the attention of the Council to a letter dated 15 July 2002 from the representative of the United Kingdom addressed to the President of the Security Council requesting that the Deputy Executive Secretary of ECOWAS be invited to the meeting (S/2002/760).

⁶² China, Denmark (on behalf of the European Union), France, Guinea, Ireland, Norway and the Russian Federation. Guinea was represented by its Minister for Foreign Affairs.

⁶³ Sierra Leone was represented by its Minister for Foreign Affairs and International Cooperation.

⁶⁴ S/PV.4577 (Resumption 1), pp. 2-3.

⁶⁵ Ibid., pp. 4-5.

⁶⁶ Ibid., pp. 6-7.

Nations Office for West Africa as a focal point for United Nations support of regional efforts and those within Liberia itself; concurred on the need to reinforce efforts to control the flow of small arms and stop the illegal exploitation of natural resources; agreed that sanctions had played a positive role in the search for peace in Sierra Leone, but at the same time, there was the need to reconcile differences between the Council and others on the future of sanctions, particularly in relation to Liberia; emphasized the need to strengthen the mediation and conflict resolution efforts of ECOWAS, and the possible role of the European Union

in that endeavour; concurred that it was crucial for the United Nations to mobilize resources for peacebuilding as well as peacekeeping in order to create the right environment to promote investment in the region over the long-term; stressed the importance for the international community of being engaged with Liberia and the need for a comprehensive conflict-resolution strategy for Liberia; acknowledged the critical role played by the Security Council in bringing key players together, including the international financial institutions and relevant countries in the region; and supported the creation of a Mano River Union Contact Group.

13. The situation between Eritrea and Ethiopia

Decision of 12 May 2000 (4142nd meeting): resolution 1297 (2000)

At its 4142nd meeting,¹ on 12 May 2000, the Security Council included in its agenda the report on the Security Council special mission visit to Eritrea and Ethiopia on 9 and 10 May 2000.² In its report, the mission noted that the Organization of African Unity (OAU) negotiations had produced a substantial number of agreements and drafts on a ceasefire, withdrawal, interim arrangements and arbitration and final demarcation of the disputed territory between Eritrea and Ethiopia. The mission observed that the differences between Eritrea and Ethiopia, while real, were clearly relatively small and manageable and could be resolved by intensive negotiations over time. Nevertheless, the two sides were on the verge of resuming a senseless war over these differences. The mission had concentrated on creating a mechanism to get past this blockage without going inside the “box” of the details of the OAU negotiations. The mechanism eventually agreed was a draft resolution calling for proximity talks to resume at the invitation of OAU, although the mission had stressed that any resolution would be the sole responsibility of the full Council and that the

mission would only seek the views of the two sides, not be bound by them.

The President (China) then drew the attention of the Council to several documents: a letter dated 12 May 2000 from the representative of Eritrea, in which he stated that Ethiopia had renewed aggression against Eritrea and requested the Council to condemn Ethiopia’s resumption of the war and to support Eritrea’s right to self-defence;³ letters dated 11 and 12 May 2000 from the representative of Ethiopia, asserting that Eritrea was the aggressor and had sabotaged the peace talks and calling on the Council to assist in stopping the war; and transmitting a letter of 12 May on the origins and current status of the conflict, respectively;⁴ and a letter dated 12 May 2000 from the representative of Algeria, transmitting a communiqué from the Chairman of OAU.⁵

He also drew attention to a draft resolution;⁶ it was put to the vote and adopted unanimously and without debate as resolution 1297 (2000), by which the Council, *inter alia*:

Strongly condemned the renewed fighting between Ethiopia and Eritrea;

Demanded that both parties immediately cease all military action and refrain from the use of force;

Demanded the earliest possible reconvening of substantive peace talks on the basis of the Framework

¹ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Mission in Ethiopia and Eritrea, pursuant to resolution 1353 (2001), annex II, sections A and B.

The meetings were held on 10 September 2001 (4369th), 14 March 2002 (4491st), 13 August 2002 (4599th), 10 March 2003 (4716th) and 9 September 2003 (4821st).
² S/2000/413.

³ S/2000/420.

⁴ S/2000/421 and S/2000/422.

⁵ S/2000/427.

⁶ S/2000/419.

Agreement and the Modalities for Implementation⁷ and of the work conducted by OAU; resolved to meet again within 72 hours of the adoption of the resolution to take immediate steps to ensure compliance with this resolution in the event that hostilities continue;

Reaffirmed its full support for the efforts of OAU and of other interested parties;

Endorsed the Framework Agreement and the Modalities for Implementation as the basis for the peaceful resolution of the dispute between the two parties;

Endorsed also the communiqué of 5 May 2000 issued by the current Chairman of OAU, which recorded the achievements of OAU-led negotiations;

Called on both parties to ensure the safety of the civilian populations and fully respect human rights and international humanitarian law.

**Decision of 17 May 2000 (4144th meeting):
resolution 1298 (2000)**

At the 4144th meeting, on 17 May 2000, the President (China) drew the attention of the Council to the following documents: a letter dated 15 May 2000 from the representative of Ethiopia;⁸ a letter dated 15 May 2000 from the representative of Ethiopia;⁹ and a letter dated 12 May 2000 from the representative of Portugal.¹⁰

At the same meeting, the President drew the attention of the Council to a draft resolution submitted by Bangladesh, Canada, the Netherlands, the United Kingdom and the United States;¹¹ it was put to the vote and adopted unanimously and without debate as

⁷ See S/1998/1223, annex, and S/1999/794, annex.

⁸ S/2000/430, transmitting a letter from the Minister for Foreign Affairs, who stated that the Council had not been fair to Ethiopia, which was the victim of aggression, and expressed disappointment in resolution 1297 (2000). He reiterated that Ethiopia was prepared to go immediately to the proximity talks and commence where they had left off on 5 May 2000. Observing that the Council was contemplating punitive measures, including an arms embargo, on Ethiopia, he stressed that the decision would send a message that the principles of international law had no relevance to the region and would be a recipe for disaster.

⁹ S/2000/435, transmitting a communiqué of the sixty-fourth session of the Central Organ of the Organization of African Unity, which appealed to both parties to put an immediate end to hostilities.

¹⁰ S/2000/437, transmitting a statement by the Presidency of the European Union on behalf of the European Union.

¹¹ S/2000/440.

resolution 1298 (2000), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Strongly condemned the continued fighting between Eritrea and Ethiopia;

Demanded that both parties immediately cease all military action and refrain from the further use of force;

Requested that the current Chairman of OAU consider dispatching his Personal Envoy to the region to seek immediate cessation of hostilities and resumption of the peace talks; decided that all States should prevent: (a) the sale or supply to Eritrea and Ethiopia, by their nationals or from their territories, 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, whether or not originating in their territory; (b) any provision to Eritrea and Ethiopia by their nationals or from their territories of technical assistance or training related to the provision, manufacture, maintenance or use of the items in (a) above;

Decided also that the measures imposed should not apply to supplies of non-lethal military equipment intended solely for humanitarian use, as approved in advance by the Committee established pursuant to the resolution;

Decided to establish a Committee of the Security Council consisting of all the members of the Council, to undertake tasks and to report on its work to the Council with its observations and recommendations;

Decided that the measures imposed above were established for 12 months and that, at the end of the period, the Council would decide whether the Governments of Eritrea and Ethiopia had complied with those measures, and, accordingly, whether to extend the measures for a further period with the same conditions;

Decided also that the measures imposed should be terminated immediately if the Secretary-General reported that a peaceful definitive settlement of the conflict has been concluded.

**Decision of 31 July 2000 (4181st meeting):
resolution 1312 (2000)**

At its 4181st meeting, on 31 July 2000, the Council included in its agenda the report of the Secretary-General on Ethiopia and Eritrea of 30 June 2000,¹² in which the Secretary-General, *inter alia*, welcomed the signing of the Agreement on Cessation of Hostilities on 18 June 2000. He noted that the parties had called upon the United Nations, in cooperation with OAU, to establish a peacekeeping

¹² S/2000/643.

operation and a Military Coordination Commission to assist in the implementation of the Agreement. Finally, he noted that the Agreement called upon the Council to adopt “appropriate measures” under Chapter VII of the Charter should the parties violate their commitments.

The President (Jamaica) drew the attention of the Council to a letter dated 19 June 2000 from the representative of Algeria;¹³ letters dated 20 June and 21 July 2000 from the representative of Eritrea;¹⁴ and letters dated 26 June and 18 July 2000 from the representative of Ethiopia.¹⁵

The President also drew the attention of the Council to a draft resolution;¹⁶ it was put to the vote and adopted unanimously and without debate as resolution 1312 (2000), by which the Council, *inter alia*:

Decided to establish the United Nations Mission in Ethiopia and Eritrea consisting of up to 100 military observers and the necessary civilian support staff until 31 January 2001, in anticipation of a peacekeeping operation subject to future Council authorization;

Called on the parties to provide the Mission with the access, assistance, support and protection required for the performance of its duties; requested the parties to facilitate the deployment of mine action experts and assets under the United Nations Mine Action Service to further assess the mine and unexploded ordnance problem and to provide technical assistance to the parties to carry out emergency mine action required;

Decided that the measures imposed by paragraph 6 of its resolution 1298 (2000) should not apply to the sale or supply of equipment and related materiel for the use of the United Nations Mine Action Service, or to the provision of related technical assistance and training by that Service;

Requested the Secretary-General to continue planning for a peacekeeping operation and to begin to take the administrative measures for assembling such a mission, which would be subject to future Council authorization.

**Decision of 15 September 2000
(4197th meeting): resolution 1320 (2000)**

At its 4187th meeting, on 14 August 2000, the Council included in its agenda the report of the Secretary-General of 9 August 2000.¹⁷ In his report, the Secretary-General provided information on the establishment and progress of the United Nations Mission in Ethiopia and Eritrea (UNMEE) and set out proposals regarding its expanded mandate and structure, which envisaged up to 2,400 personnel. He noted that the parties had proposed under the Agreement on Cessation of Hostilities that UNMEE terminate with the successful conclusion of the delimitation and demarcation of the border. He expected that the parties would exercise every restraint and avoid provocative moves in complying with the commitments they had made under the Agreement and extend their full cooperation to UNMEE in the implementation of its mandate.¹⁸

At the meeting, the Council then heard a briefing by the Under-Secretary-General for Peacekeeping Operations, after which all Council members¹⁹ and the representatives of Ethiopia, Eritrea, Japan and Norway made statements. The President (Malaysia) drew the attention of the Council to a letter dated 11 August 2000 from the representative of Ethiopia.²⁰

The Under-Secretary-General for Peacekeeping Operations detailed the concept of operations to be put into effect by UNMEE and informed the Council about its initial deployment. He also warned about the dire

¹³ S/2000/601, transmitting the Agreement on Cessation of Hostilities.

¹⁴ Formally requesting that the United Nations take the necessary measures to deploy a peacekeeping mission under the auspices of OAU to assist the parties in implementing the agreement (S/2000/612); and requesting the Security Council to investigate the incident on 17 July 2000 when Ethiopian aircraft had violated Eritrean airspace (S/2000/726).

¹⁵ Formally requesting that the United Nations take the necessary measures to deploy a peacekeeping mission under the auspices of OAU to assist the parties in implementing the agreement and denying the allegations made by Eritrea (S/2000/627); and calling for a United Nations investigation into the claims (S/2000/704).

¹⁶ S/2000/729.

¹⁷ S/2000/785, submitted pursuant to paragraph 7 of resolution 1312 (2000).

¹⁸ For details regarding the mandate and structure of UNMEE, see chapter V.

¹⁹ The representative of France spoke on behalf of the European Union. Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁰ S/2000/793, transmitting a statement by the Ministry of Foreign Affairs regarding the alleged expulsion of Ethiopians from Eritrea on 30 July and on 2, 4 and 7 August 2000, and calling on the international community to take a firm stand publicly against treatment of Ethiopians in Eritrea.

humanitarian situation in Eritrea and Ethiopia and called for massive humanitarian relief.²¹

In their statements, participants covered a number of general topics, including, *inter alia*, the humanitarian situation; the deployment of UNMEE; the importance of determining the common border; the need for demining; the arms embargo; and the importance of the public information component of the Mission, as well as the need for both sides to end negative propaganda. Most of the representatives welcomed the Agreement on Cessation of Hostilities, the efforts of the President of Algeria and OAU, and the recommendations contained in the report of the Secretary-General. A number of speakers expressed concern about the suspension of the latest round of talks between the parties.

The representative of Eritrea stressed that his country would remain committed to all agreements reached thus far and to those to come in the future between Eritrea and Ethiopia. He reiterated that Eritrea had been invaded and occupied by neighbouring Ethiopia since last May and that the act of invasion in the pursuit of territorial claims was of course a violation of the Charter of the United Nations, of OAU and of international law. He held the view that the report of the Secretary-General was not balanced on the humanitarian developments as it had omitted any mention of the 71,000 Eritreans that had been expelled from Ethiopia, of civilian casualties and of the deliberate destruction of infrastructure by the Ethiopian army. Finally, he emphasized that the deployment of the full peacekeeping operation needed to be expedited.²²

The representative of Ethiopia hoped the Security Council would act sooner rather than later in authorizing and deploying the peacekeeping force. He emphasized that his country had been a victim of blatant aggression, and they had made their best effort to end the conflict peacefully. He complained that while his Government had adhered to the peace agreement, thousands of people were being deported from Eritrea to Ethiopia under inhumane and harsh conditions. He also rejected the allegations made by Eritrea as blatant lies.²³

At its 4197th meeting, on 15 September 2000, the Council again included in its agenda the report of the Secretary-General of 9 August.¹⁷ The President (Mali) drew the attention of the Council to a draft resolution;²⁴ it was put to the vote and adopted unanimously and without debate as resolution 1320 (2000), by which the Council, *inter alia*:

Authorized the deployment within UNMEE of up to 4,200 troops including up to 220 military observers until 15 March 2001;

Called on the parties to take whatever action might be necessary to ensure the Mission's access, safety and freedom of movement and to provide assistance, support and protection;

Requested the Governments of Ethiopia and Eritrea to conclude status-of-forces agreements with the Secretary-General within 30 days;

Urged the parties to ensure the safe and unhindered access of humanitarian personnel to all those in need;

Acting under Chapter VII of the Charter of the United Nations, decided that the measures imposed by paragraph 6 of its resolution 1298 (2000) should not apply to the sale and supply of arms, equipment and related materiel for the sole use in Ethiopia or Eritrea of the United Nations.

Decision of 21 November 2000 (4230th meeting): statement by the President

At its 4227th meeting, on 17 November 2000, the Council heard a briefing by the Secretary-General, after which most members of the Council made statements.²⁵

In his briefing, the Secretary-General observed that the military deployment of UNMEE was proceeding on schedule, and that the situation on the ground appeared to have stabilized in recent weeks.²⁶

Most of the representatives expressed appreciation at the good progress of the Mission deployment, but stressed that the conflict needed to be resolved through a comprehensive peace agreement between the two parties, supported by OAU and the Council. A number of speakers stressed the role of UNMEE was to provide breathing space to facilitate the resolution of differences and could not be considered as a solution to the conflict itself. A few

²¹ S/PV.4187, pp. 2-4.

²² *Ibid.*, pp. 20-22.

²³ *Ibid.*, p. 22.

²⁴ S/2000/867.

²⁵ The representative of Tunisia did not make a statement.

The Netherlands was represented by its Minister for Foreign Affairs.

²⁶ S/PV.4227, p. 2.

speakers emphasized the importance of ensuring the safe access of humanitarian personnel to the population in need.

The President of the Security Council (Netherlands) proposed the establishment of a group of friends of the peace process, as well as some initial confidence-building measures, including the release of interned civilians, the opening of a land and air corridor for UNMEE, and an exchange of prisoners.²⁷ Many delegations welcomed the suggestions on confidence-building measures.²⁸

The representative of Argentina stressed that the use of force in international relations was not a valid means for the acquisition of territory under international law as could be seen from Article 2 (4) of the Charter, and that States were obliged to peacefully solve disputes, as stipulated in Article 2 (3) and 33. Therefore, the withdrawal of troops to defined positions did not prejudice the final status of the disputed territory, which could only result from negotiations conducted by the parties to delineate and demarcate the border.²⁹

At the 4230th meeting, on 21 November 2000, the President (Netherlands) made a statement on behalf of the Council,³⁰ by which the Council, *inter alia*:

Noted with appreciation the rounds of proximity talks that have taken place and, pursuant to paragraph 14 of resolution 1320 (2000), called on the parties to continue negotiations and to conclude without delay a final and comprehensive peace settlement; emphasized that the deployment of UNMEE should contribute to a positive climate for negotiations and that it did not replace the need for such a peace settlement;

Reiterated its strong support for the Agreement on Cessation of Hostilities between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea signed in Algiers on 18 June 2000;

Underlined the important role which confidence-building measures could play in dispelling the remaining distrust between Ethiopia and Eritrea, and encouraged both States to agree on a package of such measures;

Encouraged the parties to agree on the immediate release and voluntary and orderly return of interned civilians under the auspices of the International Committee of the Red Cross

(ICRC); the opening of land and air corridors for UNMEE; an exchange of maps showing mined areas; the prompt release of prisoners of war and their return under the auspices of ICRC; and a moratorium on expulsions; underlined the importance of the full compliance of Member States with the arms embargo imposed by resolution 1298 (2000).

**Decision of 9 February 2001 (4275th meeting):
statement by the President**

At its 4275th meeting, on 9 February 2001, the Council included in its agenda the progress report of the Secretary-General on Ethiopia and Eritrea of 12 January 2001.³¹ In his report, the Secretary-General stated that the Peace Agreement of 12 December signed by the parties constituted a major achievement. He added that UNMEE was deploying rapidly, but the delay in establishing the temporary security zone was a source of concern. The work of the Boundary Commission would be particularly crucial. As mines and unexploded ordnance remained the pre-eminent threat to UNMEE and the population around the temporary security zone, he urged the international community to increase its support for demining activities and mine-awareness programmes as well as for the Trust Fund and the Boundary Commission.

At the meeting, the President (Tunisia) made a statement on behalf of the Council,³² by which the Council, *inter alia*:

Reiterated its strong support for the Agreement on Cessation of Hostilities signed by the parties in Algiers on 18 June 2000 and welcomed the subsequent Peace Agreement signed in Algiers on 12 December 2000³³ and the agreement reached by the parties on 6 February 2001 to move forward with the establishment of the temporary security zone on 12 February 2001;

Expressed its strong support for the Secretary-General's role in continuing to help implement the Algiers Agreement; drew the urgent attention of Member States to the fact that funds provided to date for border delimitation and demarcation, through the United Nations Trust Fund, remained clearly inadequate to meet the expenses of the Boundary Commission; noted with appreciation the expeditious deployment of UNMEE and expressed appreciation to the troop-contributing countries and to those Member States that had provided UNMEE with additional assets;

²⁷ *Ibid.*, p. 4.

²⁸ *Ibid.*, p. 5 (United States); p. 6 (United Kingdom, France); p. 7 (Canada); p. 8 (Bangladesh); p. 10 (Jamaica); and p. 11 (Namibia).

²⁹ *Ibid.*, p. 8.

³⁰ S/PRST/2000/34.

³¹ S/2001/45, submitted pursuant to paragraph 12 of resolution 1320 (2000).

³² S/PRST/2001/4.

³³ S/2000/1183, annex.

Urged the parties to cooperate fully with UNMEE in the implementation of its mandate and to facilitate mine action in coordination with the United Nations Mine Action Service;

Encouraged both parties to release civilians that remained interned and to ensure the continued safe and unhindered access of humanitarian assistance to those in need.

Decision of 15 March 2001 (4294th meeting): resolution 1344 (2001)

At its 4294th meeting, on 15 March 2001, the Council included in its agenda the report of the Secretary-General of 7 March 2001.³⁴ In his report, the Secretary-General observed that despite the difficulties that had emerged, particularly with regard to the establishment of the temporary security zone, Ethiopia and Eritrea had generally continued to demonstrate commitment to the implementation of the Agreement on Cessation of Hostilities of 18 June 2000. He emphasized that it was essential that both parties granted UNMEE unconditional freedom of movement, including the establishment of the most practicable direct flights between the two capitals. He also stressed that the establishment of the Boundary Commission and the Claims Commission, and the submission of claims and evidence with the set time-frame, as the termination of UNMEE was linked to the final demarcation of the border. He recommended, *inter alia*, the inclusion of the support to the Boundary Commission in the budget of UNMEE, and the extension of the mandate of UNMEE for six months, and its adjustment to include the support to the Boundary Commission.

At the meeting, the President (Ukraine) drew the attention of the Council to a letter dated 15 March 2001 from the representative of Eritrea addressed to the President of the Security Council,³⁵ and to a draft resolution;³⁶ the draft resolution was put to the vote and adopted unanimously and without debate as resolution 1344 (2001), by which the Council, *inter alia*:

Decided to extend the mandate of UNMEE at the troop and military observer levels authorized by its resolution 1320 (2000) until 15 September 2001;

Called upon the parties to continue working towards the full implementation of their agreement and to fulfil the following obligations: (a) to ensure freedom of movement and access for UNMEE; (b) to establish a direct air corridor between Addis Ababa and Asmara for the safety of United Nations personnel; (c) to conclude Status of Forces Agreements with the Secretary-General; (d) to facilitate mine action in coordination with the United Nations Mine Action Service;

Decided to consider the recommendations in paragraphs 50 and 53 of the Secretary-General's report upon receipt of more detailed information;

Called upon all States and international organizations to consider providing further support to the peace process.

Decision of 15 May 2001 (4320th meeting): statement by the President

At its 4310th meeting,³⁷ on 19 April 2001, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations, after which all Council members made statements.

The Under-Secretary-General for Peacekeeping Operations informed Council members about, *inter alia*, the establishment of the Temporary Security Zone on 18 April 2001, which marked the formal separation of the forces of Ethiopia and Eritrea. He noted that the most immediate challenge facing Eritrea was the return of up to 300,000 displaced persons to the Temporary Security Zone. He informed the Council that the deployment of UNMEE was almost complete. Noting that some issues relating to freedom of movement for UNMEE, including the question of direct flights between the capitals, were unresolved, he recommended that the Council encourage the parties to cooperate fully with UNMEE and with the Boundary Commission.³⁸

In their statements, delegations welcomed the establishment of the temporary security zone. Several participants expressed concern about the question of the internally displaced persons and refugees, as well as the issue of the direct flights between Addis Ababa and Asmara.

³⁴ S/2001/202, submitted pursuant to resolution 1320 (2000).

³⁵ S/2001/229, referring to the report of the Secretary-General and highlighting a number of points in the report that the Government of Eritrea felt had not been addressed adequately.

³⁶ S/2001/223.

³⁷ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 of the Charter.

³⁸ S/PV.4310 and Corr.1, pp. 2-4.

The representative of the Russian Federation maintained that the forward-moving process of stabilization in the conflict zone reaffirmed their consistent position regarding the need for an early lifting of sanctions against both States.³⁹

At the 4320th meeting, on 15 May 2001, the President (United States) made a statement on behalf of the Council,⁴⁰ by which the Council, *inter alia*:

Reiterated its strong support for the Secretary-General's role in helping to implement the Agreements; reiterated its appreciation for the continued deployment of UNMEE both to the troop-contributing countries and to those Member States that had provided UNMEE with additional assets;

Encouraged both parties to continue working towards the full and prompt implementation of the Agreements including cooperation with the Boundary Commission and, in this context, to take concrete confidence-building measures; stressed that the parties must provide free movement and access for UNMEE and its supplies as required throughout the territories of the parties, without any restrictions, including within the Temporary Security Zone and the 15-km wide adjacent area; called on the parties to cooperate fully and expeditiously with UNMEE in the implementation of its mandate;

Further called on the parties to continue to facilitate mine action in coordination with the United Nations Mine Action Service;

Noted that the current arms embargo would expire on 16 May 2001;

Urged the parties to ensure that efforts were redirected from weapons procurement and other military activities towards the reconstruction and development of both economies, and regional reconciliation, with a view to achieving stability in the Horn of Africa.

**Decision of 14 September 2001
(4372nd meeting): resolution 1369 (2001)**

At its 4372nd meeting, on 14 September 2001, the Council included in its agenda the report of the Secretary-General of 5 September 2001.⁴¹ In his report, the Secretary-General observed, *inter alia*, that in its first year, UNMEE had seen gradual consolidation of the progress achieved previously. The Temporary Security Zone, established in April 2001, was operational and, despite the fact that the two Governments had not formally accepted the map, their

de facto respect for it on the ground was a good sign. The majority of internally displaced persons had also returned to their homes. However, freedom of movement for the Mission, including direct flights between Addis Ababa and Asmara, was still lacking, and political developments in both countries had given rise to anxieties about the peace process. Stressing that progress in the peace process could be sustained, he recommended that the mandate of UNMEE be extended for six months.

At the meeting, the President (France) drew the attention of the Council to a draft resolution,⁴² it was put to the vote and adopted unanimously and without debate as resolution 1369 (2001), by which the Council, *inter alia*:

Decided to extend the mandate of UNMEE at the troop and military observer levels authorized by its resolution 1320 (2000) until 15 March 2002;

Called on the parties to cooperate with UNMEE in the implementation of its mandate and to abide scrupulously by the letter and spirit of their agreements, including regarding cooperation with the Boundary Commission and facilitation of its work;

Called on the parties to urgently resolve the outstanding issues in accordance with the Algiers Agreements; further called on the parties, where relevant in cooperation with UNMEE, to explore and pursue a range of confidence-building measures;

Urged the parties to ensure that efforts were redirected from weapons procurement and other military activities towards the reconstruction and development of their economies and encourages both countries to continue and enhance the efforts to improve their relations in order to promote regional peace and security;

Expressed its intention to continue to monitor closely progress by the parties in implementing the provisions of the Algiers Agreements and the requirements of the resolution, and to consider a mission to the two countries before agreeing to a further mandate renewal in order to monitor progress and discuss possible further steps towards reconciliation.

**Decision of 16 January 2002 (4450th meeting):
statement by the President**

At its 4450th meeting,⁴³ on 16 January 2002, the Council included in its agenda the progress report of

³⁹ *Ibid.*, p. 9.

⁴⁰ S/PRST/2001/14.

⁴¹ The report (S/2001/843) was submitted pursuant to resolution 1344 (2001).

⁴² S/2001/862.

⁴³ At the 4420th and 4421st meetings, both held in private on 16 November 2001, Council members and the Ministers for Foreign Affairs of Eritrea and Ethiopia, respectively, had constructive discussions.

the Secretary-General of 13 December 2001.⁴⁴ In his report, the Secretary-General observed that many of the Council's appeals to the parties remained unimplemented. He noted that the absence of mutual confidence between the parties kept the situation volatile, which was particularly important to overcome given the forthcoming decision on border delimitation by the Boundary Commission. He regretted that during the past few months, tensions had risen considerably in the mission area, with each of the two parties accusing the other of building up militarily. He maintained that both parties had also accused UNMEE, without foundation, of pursuing a policy of "appeasement" and negligence vis-à-vis violations. Finally, he again appealed to Eritrea to cooperate fully with UNMEE.

At the meeting, the President (Mauritius) made a statement on behalf of the Council,⁴⁵ by which the Council, *inter alia*:

Reaffirmed the commitment of all Member States to the sovereignty, independence and territorial integrity of Ethiopia and Eritrea;

Further reaffirmed its strong support for the comprehensive Peace Agreement between the Government of the State of Eritrea and the Government of the Federal Democratic Republic of Ethiopia, signed in Algiers on 12 December 2000;³²

Reiterated its strong support for UNMEE and called on the parties to cooperate fully with UNMEE;

Reiterated its call on Eritrea to disclose the number, strength and disposition of its militia and police inside the Temporary Security Zone and to refrain from deployment close to the southern boundary of the Zone;

Further reiterated its call on Eritrea to conclude the status-of-forces agreement with the Secretary-General;

Expressed its determination to support the practical demarcation of the border; and confirmed its intention to send a mission to the two countries in February 2002.

**Decision of 15 March 2002 (4494th meeting):
resolution 1398 (2002)**

At its 4485th meeting, on 6 March 2002,⁴⁶ the Council included in its agenda the report of the Security Council mission to Ethiopia and Eritrea of 27 February 2002. In its report, the mission reported on

its meetings with the Governments of both countries, as well as with a range of other actors, including non-governmental organizations and religious leaders. It also made a number of recommendations on the mandate of UNMEE and the process for demarcating the border once the Boundary Commission had announced its decision. The mission also called for more trust-building contacts, at both the official and grass-roots level, between the two countries.

At the meeting, the Council heard a briefing by the head of the Security Council mission to Eritrea and Ethiopia, following which all Council members⁴⁷ and the representatives of Eritrea, Ethiopia, Japan, the Netherlands and Spain (on behalf of the European Union)⁴⁸ made statements.

The head of the Security Council mission to Eritrea and Ethiopia indicated that the Prime Minister of Ethiopia and the President of Eritrea had announced that the decision of the Eritrea-Ethiopia Boundary Commission, established in accordance with the Algiers Agreements, on the demarcation of their common border would be final and binding. He also commended the parties for having chosen to resolve their differences through an international conflict-solving mechanism. He stated that the mission had impressed upon the parties, *inter alia*, the need to refrain from any kind of unilateral action, which could have seriously destabilizing effects; and the importance of transferring territory and civil authority, as well as population and troop movements, under an agreed framework.⁴⁹

Most of the speakers welcomed the contribution of UNMEE in building confidence between the two parties as well as the public commitments by the two countries to implement the decision of the Boundary Commission. Several delegations pointed out the importance of, *inter alia*, releasing the remaining prisoners of war and civilian detainees; confidence-building measures; and the continuing support of the international community, particularly for demining efforts. A few representatives observed that the work of the Security Council needed to focus on ensuring the

⁴⁴ S/2001/1194, submitted pursuant to resolution 1369 (2001).

⁴⁵ S/PRST/2002/1.

⁴⁶ S/2002/205.

⁴⁷ Norway was represented by its Minister for Foreign Affairs.

⁴⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁴⁹ See S/PV.4485, pp. 2-4.

implementation of measures on demarcation and delimitation of the border.

The representative of Eritrea expressed concern about the appeal of the Security Council for an orderly transfer of administration and for population returns. He also expressed its caution against unilateral action without urging Ethiopia to respect its treaty obligations. He also complained that the Temporary Security Zone could not be established owing to Ethiopia's refusal to redeploy its troops in violation of the Agreement, which meant that more than 60,000 Eritrean civilians remained stranded in makeshift camps.⁵⁰

The representative of Ethiopia called on Eritrea to sign the status-of-forces agreement and to ensure the freedom of movement of UNMEE. He also believed that the decision of the Boundary Commission needed to be a judicial decision, with full transparency and void of any political considerations or pressures.⁵¹

At its 4494th meeting, on 15 March 2002, the Council included in its agenda the progress report of the Secretary-General of 8 March 2002.⁵² In his report, the Secretary-General observed that the delimitation and demarcation of the border would represent an important milestone in the peace process, and that the implementation of the Boundary Commission's final and binding decision would continue to demand statesmanship on the part of the two Governments and their leaders. He recommended that a wide-ranging mechanism aimed at consultation and problem-solving during the implementation of the delimitation decision be established, which could include the parties, UNMEE, guarantors, facilitators and witnesses. He also recommended the extension of the mandate of UNMEE for six months.

At the meeting, the President (Norway) drew the attention of the Council to a draft resolution;⁵³ it was put to the vote and adopted unanimously and without debate as resolution 1398 (2002), by which the Council, *inter alia*:

Decided to extend the mandate of UNMEE at the troop and military observer levels authorized by its resolution 1320 (2000) until 15 September 2002;

⁵⁰ *Ibid.*, pp. 19-20.

⁵¹ *Ibid.*, pp. 20-21.

⁵² S/2002/245, submitted pursuant to resolution 1369 (2001).

⁵³ S/2002/266.

Emphasized the importance of ensuring expeditious implementation of the upcoming decision by the Boundary Commission while maintaining stability in all areas affected by the decision, and encouraged the parties to consider further practical ways and means of conducting implementation-related consultations, possibly through appropriate strengthening of the Military Coordination Commission and/or other arrangement with the support of the guarantors, facilitators and witnesses of the Algiers Agreements;

Further emphasized that, in accordance with article 14 of the Agreement on Cessation of Hostilities, the security arrangements were to remain in effect, and that, accordingly, arrangements for the separation of forces, as achieved by the Temporary Security Zone, would continue to be of key importance; urged Ethiopia to provide the United Nations Mine Action Coordination Centre with clarifications to the information already put forward, as promised in this regard.

Decision of 14 August 2002 (4600th meeting): resolution 1430 (2002)

At its 4600th meeting,⁵⁴ on 14 August 2002, the Council included in its agenda the report of the Secretary-General of 10 July 2002.⁵⁵ In his report, the Secretary-General observed, *inter alia*, that the parties had accepted the delimitation decision of the Boundary Commission as "final and binding" promptly after its announcement on 13 April 2002. He stressed that until the completion of the demarcation of the border and the transfers of territorial control, the security arrangements maintained by UNMEE would remain essential.

At the meeting, the President (United States) drew the attention of the Council to letters dated 5 July and 29 July 2002 from the Secretary-General addressed to the President of the Council,⁵⁶ and to a draft resolution;⁵⁷ the draft resolution was put to the vote and adopted unanimously and without debate as

⁵⁴ At the 4529th and 4530th meetings, both held in private on 13 May 2002, Council members and the representatives of Eritrea and Ethiopia, respectively, had constructive discussions.

⁵⁵ S/2002/744, submitted pursuant to resolution 1398 (2002).

⁵⁶ S/2002/732, transmitting a letter dated 28 June 2002 from the Registrar of the Eritrea-Ethiopia Boundary Commission enclosing the decision regarding the request for interpretation, correction and consultation submitted by Ethiopia on 13 May 2002; and S/2002/853, transmitting a letter from the Registrar of the Commission enclosing texts of two Commission Orders to the Parties, of 17 and 18 July 2002.

⁵⁷ S/2002/924.

resolution 1430 (2002), by which the Council, inter alia:

Decided to adjust the mandate of UNMEE, in order to assist the Boundary Commission in the expeditious and orderly implementation of its Delimitation Decision, to include with immediate effect: (a) demining in key areas to support demarcation, and (b) administrative and logistical support for the Field Offices of the Boundary Commission; endorsed the technical steps for territorial transfers as a broad framework for the process as recommended by the Secretary-General in his report, and decided to review, as necessary, the implications for UNMEE in this regard;

Called on the parties to cooperate with UNMEE in the implementation of its mandate; encouraged the parties to continue cooperating with UNMEE on providing the information and maps required by the Mission for the demining process;

Called on the parties to cooperate fully and promptly with the Boundary Commission; appealed to the parties to exercise restraint, and emphasized that in accordance with article 14 of the Agreement on Cessation of Hostilities, the security arrangements were to remain in effect;

Called on the parties to refrain from unilateral troop or population movements; demanded that the parties allow UNMEE full freedom of movement and remove with immediate effect any and all restrictions on, and impediments to the work of, UNMEE and its staff in the discharge of its mandate.

Decisions of 6 September 2002 to 12 September 2003: resolutions 1434 (2002), 1466 (2003) and 1507 (2003) and statement by the President

At its 4606th, 4719th and 4822nd meetings,⁵⁸ the Council, after considering reports of the Secretary-General,⁵⁹ adopted unanimously resolutions 1434 (2002), 1466 (2003) and 1507 (2003), by which it extended the mandate of UNMEE for additional periods of six months.

In his reports, the Secretary-General stated, inter alia, that the overall situation in the Temporary Security Zone was good, but that the parties should immediately give to UNMEE and the Boundary Commission all necessary cooperation for the expeditious demarcation of the border and improve bilateral relations. By those resolutions, the Council inter alia: called on the parties concerned to refrain from troop movements or population movements until the border was delimited and to cooperate fully with UNMEE and the Boundary Commission; committed the Council to frequent reviews of the progress made by the parties in the implementation of their commitments under the Algiers Agreements; and extended the mandate of UNMEE. A complementary statement by the President (Spain) was released at the 4787th meeting, on 17 July 2003.⁶⁰

⁵⁸ Held on 6 September 2002, 14 March 2003 and 12 September 2003, respectively.

⁵⁹ S/2002/977, S/2003/257 and S/2003/858.

⁶⁰ S/PRST/2003/10.

14. The situation in Guinea-Bissau

Decision of 29 March 2000 (4122nd meeting): statement by the President

At its 4121st meeting, on 29 March 2000, the Security Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.¹ In his report, the Secretary-General observed that the presidential elections held on 16 January 2000 had brought to an end the post-conflict transitional period in Guinea-Bissau that had started following the Abuja Accord of 1 November 1998, and had allowed the inauguration of a new pluralist parliament and the formation of a broad-based Government. He

acknowledged that the overall situation in Guinea-Bissau was peaceful and that the humanitarian situation, particularly that of refugees, had noticeably improved. He expressed the expectations that with the electoral process; the investiture of a new President; the inauguration of the new National Assembly; and the formation of a new Government, the transitional institutions deriving from the Abuja Accord had completed their role and that all such extra-constitutional structures would give way to the newly established constitutional institutions. The Secretary-General expressed concern over the public posture of the military and the circulation of small arms in civilian communities, noted the prominence of human rights issues after the election and welcomed the

¹ S/2000/250, submitted pursuant to resolution 1233 (1999).

improvement of relations with neighbouring countries. He reported that, following consultations with the new Government, he had proposed and the Council had approved the extension of the mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) for one year.²

At the meeting, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the report of the Secretary-General, following which most members of the Council made statements.³ In his briefing, the Under-Secretary-General expressed concern with the difficulties encountered in redefining the relationship between the new Government and the military establishment, but noted that the negotiations between the Government and the former military junta continued in an encouraging way, and that the Representative of the Secretary-General had provided his good offices as required. He noted that the President of Guinea-Bissau had offered five posts of minister of state to members of the military. He urged all Guinea-Bissau parties, including the former military junta, to fully accept the new democratic reality. He observed however, that the economic situation remained worrying and urged members of the international community to provide assistance for the Government's 100 days transitional programme.⁴

Following the briefing, most speakers welcomed the gradual return to constitutional and democratic order in Guinea-Bissau following the elections. Some speakers noted that Guinea-Bissau represented a success for the United Nations.⁵ Many speakers underlined the need to redefine the role of the military in accordance with the rule of law.⁶ The representative of the Netherlands stressed that a revival of the junta in any form on the political scene of Guinea-Bissau would not be tolerated.⁷ The representatives of France, Argentina and Bangladesh stressed the need to address the issue of the continuing circulation of large

quantities of small arms in civilian communities.⁸ The representative of the United Kingdom underlined the need to keep an eye on the situation in the region and emphasized peacebuilding as the main challenge facing the United Nations in Guinea-Bissau.⁹

At its 4122nd meeting, on 29 March 2000, the Council again included in its agenda the report of the Secretary-General on developments in Guinea-Bissau.¹ The President (Bangladesh) made a statement on behalf of the Council,¹⁰ by which the Council, *inter alia*:

Paid tribute to the people of Guinea-Bissau for the success of the transitional process which has led to the organization of free, fair and transparent elections;

Welcomed the swearing in of President Kumba Yala on 17 February 2000 and the return to constitutional and democratic order in Guinea-Bissau;

Encouraged all concerned in Guinea-Bissau to work together closely in a spirit of tolerance to strengthen democratic values, to protect the rule of law, to depoliticize the army and to safeguard human rights;

Expressed its support for the newly elected Government of Guinea-Bissau and encouraged the new authorities to develop and to implement programmes devised to consolidate peace and national reconciliation.

Decision of 29 November 2000 (4239th meeting): statement by the President

At its 4238th meeting, on 29 March 2000, the Council heard briefings by the Secretary-General and the Vice-President of the World Bank. Following the briefings, statements were made by all members of the Council¹¹ as well as the representatives of the Gambia, Guinea, Guinea-Bissau,¹² Mozambique and Senegal and the Executive Secretary of the Community of Portuguese-speaking Countries. In his briefing, the Secretary-General pointed to the precariousness of the stability in Guinea-Bissau following an armed

² The extension of the mandate was approved through an exchange of letters between the Secretary-General and the President of the Security Council (S/2000/201 and S/2000/202). See chapter V for more details.

³ The representative of the Russian Federation did not make a statement.

⁴ S/PV.4121, pp. 2-3.

⁵ *Ibid.*, p. 3 (United States); p. 7 (France); and p. 9 (Tunisia).

⁶ *Ibid.*, p. 4 (United States); p. 6 (Malaysia); p. 9 (Netherlands); p. 10 (Ukraine); and p. 11 (Bangladesh).

⁷ *Ibid.*, p. 9.

⁸ *Ibid.*, p. 8 (France); p. 10 (Argentina); and p. 11 (Bangladesh).

⁹ *Ibid.*, p. 11 (United Kingdom); and p. 12 (Bangladesh).

¹⁰ S/PRST/2000/11.

¹¹ The representative of France made a statement on behalf of the European Union. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement. The Netherlands was represented by the Minister for Development Cooperation.

¹² At this meeting, Guinea-Bissau was represented by the Vice-Prime Minister.

showdown between the head of the former military junta and the elected President, which had nearly plunged the country back into turmoil. In relation to that event he welcomed the quick response of the Council and of leaders in and outside the subregion and urged the Government to manage the aftermath of the crisis within the rule of law and with due regards to democratic principles and national reconciliation. He further stressed the need to address the root causes of the conflict in Guinea-Bissau, which included the weakness of the institutions, the disgruntled and highly politicized army, the endemic poverty, the crippling debt and the insecure internal and external environment. This required a serious long-term commitment to peacebuilding. He emphasized that post-conflict peacebuilding, because of its multidisciplinary nature, often fell between relief and traditional development assistance and was therefore frequently under funded. He therefore called on the support of Council members and of the donor community, in implementing one of the recommendations of the Brahimi report¹³ and allowing the Representative of the Secretary-General to fund quick-impact projects in order to prevent a relapse into a cycle of conflict and instability.¹⁴

The Vice-President of the World Bank, in his statement, pledged the World Bank's commitment to assist the Government of Guinea-Bissau in key sectors such as finances, education and health but emphasized the need for continued and expanded assistance from others in the international community. He further pointed to the fact that the World Bank and the International Monetary Fund were reviewing the eligibility of Guinea-Bissau for the Heavily Indebted Poor Country Initiative and held that if approved, the relief would represent the biggest debt relief granted to that date and would allow for sustained growth and poverty reduction.¹⁵

At the same meeting, the Vice-Prime Minister of Guinea-Bissau underlined the progress made by his country in the areas of good governance, poverty reduction and human rights. He acknowledged the successful response of the armed forces to the attempted coup of 22 November 2000. He, however, highlighted three challenges facing the country: the

reorganization of the military, the crippling debt burden and the achievement of peace and security at a regional level, especially in Casamance. On the latter, he pledged his country's intention to play a front-line role in the stability of the region and in the search for peaceful solutions of conflicts, while fully supporting the principles of sovereignty and territorial integrity and the Charter of the United Nations.¹⁶

Most Council members welcomed the upholding of democratic order after the attempted coup; expressed concern over the role of the military in the country; underscored the need to strengthen democracy in Guinea-Bissau and promote national reconciliation; stressed the importance of regional stability and good-neighbourly by relations, and underlined the importance of the process of disarmament, demobilization and reintegration of combatants for national stability.¹⁷ The representative of the United States, echoed by the representative of Malaysia, stressed that a return to military rule in Guinea-Bissau would not be accepted by the international community.¹⁸

Most speakers concurred on the relation between economic and political difficulties in Guinea-Bissau and underlined the need to develop an integrated, holistic approach to address them. The representative of Jamaica emphasized the concept of sustainable human development and requested that the Security Council ensure that peacebuilding measures be included as an integral part of the peace operations.¹⁹ The representative of Mali proposed an integrated joint approach involving the United Nations system and the international financial institutions.²⁰ The representative of Argentina proposed that Article 65 of the Charter on cooperation between the Security Council and the Economic and Social Council be made more operational and effective.²¹ The representative of the Netherlands rejected the compartmentalization of pre-conflict, conflict and post-conflict approaches and advocated for the Security Council to undertake

¹³ Report of the Panel on United Nations Peace Operations (S/2000/809).

¹⁴ S/PV.4238, pp. 2-3.

¹⁵ *Ibid.*, pp. 4-5.

¹⁶ *Ibid.*, pp. 5-8.

¹⁷ *Ibid.*, p. 10 (Bangladesh); p. 12 (France); and p. 13 (Canada, United Kingdom); S/PV.4238 (Resumption 1), p. 2 (China); p. 5 (Ukraine); and p. 10 (Netherlands).

¹⁸ S/PV.4238, p. 10 (United States); and S/PV.4238 (Resumption 1), p. 6 (Malaysia).

¹⁹ S/PV.4238 (Resumption 1), p. 4.

²⁰ S/PV.4238, p. 9.

²¹ *Ibid.*, p. 14.

peacebuilding efforts in a coordinated way.²² Several speakers also discussed the provision of development assistance and debt relief in the context of a larger peacebuilding strategy. The representatives of Malaysia and Namibia raised the issue of ensuring the safe return of refugees and displaced persons.²³ The representative of Argentina underlined that lessons could be drawn from the situation of Guinea-Bissau and applied to other transition processes.²⁴ The Executive Secretary of the Community of Portuguese-speaking countries stressed the importance of the contact group of that organization in the process of restoring peace and security in Guinea-Bissau and requested that the Government be granted waivers for the implementation of development programmes needed by the country, as parameters and conditions for the implementation of a programme's objectives should not serve as an obstacle to development.²⁵

At the 4239th meeting, on 29 November 2000, the President (Netherlands) made a statement on behalf of the Council,²⁶ by which the Council, *inter alia*:

Reiterated its support for the democratically elected Government of Guinea-Bissau;

Welcomed the return to peace, democracy and constitutional order in Guinea-Bissau;

Called upon the members of the former military junta to subordinate themselves fully to the civilian institutions and to withdraw from the political process;

Commended the support provided by the Bretton Woods institutions to the disarmament, demobilization and reintegration process in Guinea-Bissau;

Recognized and commended the important role played by the UNOGBIS towards helping consolidate peace, democracy and the rule of law; called upon Member States to provide generous support at the next round table scheduled for February 2001 in Geneva;

Acknowledged the relevance of the regional dimension;

Welcomed the initiatives the President of Guinea-Bissau and the President of Senegal had taken towards stabilization of their common border region.

²² S/PV.4238 (Resumption 1), p. 9.

²³ *Ibid.*, p. 6 (Malaysia); and p. 7 (Namibia).

²⁴ S/PV.4238, p. 14.

²⁵ S/PV.4238 (Resumption 1), pp. 15-16.

²⁶ S/PRST/2000/37.

Decision of 19 June 2003 (4776th meeting): statement by the President

At its 4776th meeting,^{27,28} on 19 June 2003, the Council included in its agenda the report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS.²⁹ In his report, the Secretary-General observed that the situation had worsened in Guinea-Bissau and that the political instability and a deteriorating political climate had heightened tensions between the Government and its political opponents and weakened the respect for human rights. It had also prevented the holding of legislative elections, the promulgation of a revised constitution and the implementation of reforms. The Secretary-General welcomed the efforts of subregional organizations towards national reconciliation. He noted the pledge of the armed forces to democracy despite the rumours of coup attempts and desertion. He underlined the progress in the disarmament, demobilization and reintegration programme but underlined that a professional national police force was still lacking. He stressed the worsening economic and social situation and the inability of the Government to pay salaries. In this regard, he noted the reclassification of Guinea-Bissau by the World Bank as a low-income country under stress, enabling the Bank to closely monitor economic and social conditions in the country. The Secretary-General urged the leaders of Guinea-Bissau to ensure that the rehabilitation and peacebuilding agendas could be put back on track and that all efforts be made towards the holding of free, fair and credible legislative elections. He held that if conditions were not conducive to credible elections, the United Nations could reconsider its electoral assistance. He reported that he had dispatched another electoral mission to Guinea-Bissau to review the situation.

At the meeting, the Council heard briefings by the Representative of the Secretary-General and Head

²⁷ At its 4567th meeting, held in private on 8 July 2002, the Council heard a briefing by the Representative of the Secretary-General and Head of UNOGBIS. The members of the Council and the Representative of the Secretary-General had a constructive discussion.

²⁸ For more information on the discussion at this meeting, see chap. VI, part II, sect. B, case 9, with regard to relations between the Security Council and the Economic and Social Council.

²⁹ S/2003/621, submitted pursuant to resolution 1233 (1999).

of UNOGBIS and the Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau,³⁰ following which statements were made by all members of the Council as well as by the representatives of Guinea-Bissau and the Gambia.³¹ In his briefing, the Representative of the Secretary-General echoed the Secretary-General's concerns over the evolution of Guinea-Bissau and the need to focus on returning the country to political and constitutional normality. While observing that the opposition had continued to accuse the Government of restrictions of civil liberties, he noted that donors had conditioned the support for the elections on the creation of conditions propitious for credible elections. He reported on the electoral needs assessment mission by the Department of Political Affairs, which noted some progress made in voter registration but concluded that the election date should be postponed to finalize the planned electoral census. He also noted the worrying economic situation and the periodic strike of public sector workers due to the non-payment of salary arrears by the Government. He further welcomed the Security Council's initiative to launch a mission to Guinea-Bissau with the participation of the Economic and Social Council.³²

The Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau, in his briefing, echoed the conclusion of the Secretary-General that the country might be sliding back towards chaos and even conflict. He also observed that Guinea-Bissau presented a unique case that did not qualify for the instruments applied by the Council to maintain international peace and security, or to the instruments applied by donors and the Bretton Woods institutions to countries in a post-conflict phase. He underscored that priority should be given to holding credible legislative elections in order to regain the confidence of the donor community, and that the uncertainty of the political situation had an impact on efforts to address the humanitarian needs of the country.³³

In their statements, most speakers expressed concern for the fragile human rights situation as well as the worsening social and economic situations and the need to restore donor confidence through the holding of free and fair elections. Speakers also underlined the necessity for national reconciliation, reasserted the importance of regional cooperation and welcomed the forthcoming visit of the joint Economic and Social Council and Security Council mission to Guinea-Bissau and the help of international donors. The representatives of Germany, France and Spain stressed that free and fair elections should be scheduled as soon as possible.³⁴ As a member of the European Union, Germany, supported by Bulgaria, stressed that adherence to the basic principles of good governance was a prerequisite for the return of Guinea-Bissau to democracy and sustained development and based the financial support of the European Union to the electoral process and humanitarian efforts in Guinea-Bissau on the commitment of Guinea-Bissau to these principles.³⁵ The representative of the United States also underlined that assistance to the electoral process should be conditional on clear and irrevocable steps ensuring free and fair elections and that the United Nations should not lend legitimacy to a flawed election process.³⁶

Some speakers pointed to the unique situation of Guinea-Bissau, which required specific flexibility from the international community.³⁷ The representative of the Gambia criticized "the unofficial regime of sanctions" applied to Guinea-Bissau, explaining that the exceedingly high expectations in the performance of the Government had prevented the delivery of humanitarian assistance and development support.³⁸

Concerning peacebuilding, the representative of Chile, echoed by the representatives of Pakistan and the Russian Federation, supported a multidisciplinary approach that could become a model of coordinated efforts between the Security Council and other United Nations organs to deal with pre-conflict and post-conflict situations.³⁹ The representative of the Russian Federation specifically proposed a two-way liaison

³⁰ The Chairman of the Ad Hoc Advisory Group on Guinea-Bissau also represented the President of the Economic and Social Council.

³¹ The representative of the Gambia spoke in his capacity as Chair of the Group of Friends of Guinea-Bissau.

³² S/PV.4776, pp. 2-4. For more details on the mission, see the case study in section 54 (Security Council mission) of the present chapter.

³³ S/PV.4776, pp. 3-5.

³⁴ *Ibid.*, p. 15 (France); p. 17 (Bulgaria); and p. 17 (Spain).

³⁵ *Ibid.*, p. 8 (Germany); and p. 17 (Bulgaria).

³⁶ *Ibid.*, p. 9.

³⁷ *Ibid.*, p. 6 (Gambia); p. 7 (Angola); p. 10 (Guinea); p. 13 (Cameroon); and p. 16 (Pakistan).

³⁸ *Ibid.*, p. 6.

³⁹ *Ibid.*, p. 11 (Chile); p. 15 (Pakistan); and p. 19 (Russian Federation).

between the Economic and Social Council and the Security Council,⁴⁰ while the representative of Pakistan proposed the establishment of ad hoc composite committees with membership drawn from the Security Council, the Economic and Social Council and the General Assembly.⁴¹

At the same meeting, the President (Russian Federation) made a statement on behalf of the Council,⁴² by which the Council, *inter alia*:

Urged the country's leaders and the international community to work more purposefully together to ensure that the development, humanitarian and peacebuilding agendas were quickly put back on track; appealed to the President and Government of Guinea-Bissau to organize effectively and in a timely manner the forthcoming legislative elections and to ensure that those elections were conducted in a transparent, fair and credible manner, in accordance with the Constitution and the electoral law;

Called on the Government of Guinea-Bissau to take the necessary steps to facilitate a constructive dialogue with the international community and the Bretton Woods institutions and to fully endorse the partnership approach defined by the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau;

Appealed the donor community to contribute financially to the implementation of the political and economical process in Guinea-Bissau, including necessary support for the legislative elections;

Expressed its concern with regard to the situation of human rights and civil liberties, and urged the Government of Guinea-Bissau to take the necessary measures in order to improve this situation;

Stressed the importance that freedom of speech and freedom of the press be fully respected.

Deliberations of 29 September 2003 (4834th meeting)

At its 4834th meeting,⁴³ on 29 September 2003, the Council heard a briefing by the Assistant Secretary-

General for Political Affairs and by the Special Envoy of the Community of Portuguese-speaking countries, after which statements were made by most members of the Council and the representative of Guinea-Bissau.⁴⁴ The Assistant Secretary-General updated the Council on the situation in Guinea-Bissau following the military coup d'état on 14 September 2003. He reported that, thanks to the mediation efforts of regional organizations, an agreement was reached between the military and the President on 17 September 2003, providing for the return of the armed forces to the barracks, the resignation of the President, the establishment of a Transitional Government of National Unity led by a civilian interim President and the holding of general elections. A transitional Charter had been adopted on 28 September 2003 and provided for legislative elections to be held by 28 March 2004 and presidential elections to be held within one year of the election of the National Assembly. The Assistant Secretary-General noted the atmosphere of consensus between parties and called out to the international community for continued financial support to the Transitional Government.⁴⁵

The Special Envoy of the Community of Portuguese-speaking Countries to Guinea-Bissau noted that it seemed that the military intervention that brought down the elected President of Guinea-Bissau had been "welcomed by all of Guinea-Bissau's society". He saluted the strength, tolerance and spirit of solidarity of the people of Guinea-Bissau, who had remained peaceful despite the financial and political difficulties. He also welcomed the commitment of all parties to the return to normalcy and called for the international community to trust those responsible for the coup, as they did not wish to remain in power and had been motivated by the difficult social and economic conditions.⁴⁶

In their statements, most speakers called for a rapid return to constitutional normalcy and welcomed the coordinated efforts of regional organizations to mediate the crisis. Many speakers regretted the unconstitutional change of power in Guinea-Bissau and emphasized the importance of holding elections as soon as possible.⁴⁷ The representatives of Germany and France supported the stance of the African Union

⁴⁰ *Ibid.*, p. 19.

⁴¹ *Ibid.*, p. 16.

⁴² S/PRST/2003/8.

⁴³ At the 4860th meeting, held in private on 18 November 2003, the Secretary-General, the President of Guinea-Bissau, members of the Council, the President of the Economic and Social Council, the representative of the current Chairman of the Economic Community of West African States, the representative of the Community of Portuguese-speaking countries, the Chairman of the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau and the Representative of the Secretary-General and Head of UNOGBIS had a constructive exchange of views.

⁴⁴ The representatives of Bulgaria and the United Kingdom did not make statements.

⁴⁵ S/PV.4834, pp. 2-3.

⁴⁶ *Ibid.*, pp. 4-5.

⁴⁷ *Ibid.*, p. 5 (Germany); p. 7 (Russian Federation); p. 10 (Chile, Spain, France); and p. 12 (Mexico).

against the seizure of power by force and expressed concern that Guinea-Bissau could become a failed state.⁴⁸ The representative of Chile pointed out that all coups d'état should be repudiated, whether bloodless or violent.⁴⁹ The representatives of the Russian Federation, France and Guinea requested that the Council monitor the situation and ensure the holding of free and fair elections.⁵⁰ The representative of the Russian Federation also asked to be briefed on the means undertaken in preparation of the legislative elections in Guinea-Bissau and the use of the funds provided by the donors for that purpose.⁵¹ Some members stressed the possible negative consequences for the United Nations of a failure of the peacebuilding efforts in Guinea-Bissau.⁵² The representative of

Guinea hoped that the Council would make the extension of the peacebuilding mandate in Guinea-Bissau a priority.⁵³ The representative of Mexico considered that the task of the United Nations would be to ensure the holding of elections, monitor the economic crisis and coordinate efforts among the agencies involved.⁵⁴

The representative of Guinea-Bissau expressed regret that the use of force had appeared to be the only solution, but underlined that consensus was prevailing in Guinea-Bissau over the transitional Charter and asked the international community to recognize the differences between the coup of Guinea-Bissau and the events in the Central African Republic.⁵⁵

⁴⁸ Ibid., p. 5 (Germany); and p. 10 (France).

⁴⁹ Ibid., p. 9.

⁵⁰ Ibid., p. 7 (Russian Federation); p. 10 (France); and p. 11 (Guinea).

⁵¹ Ibid., p. 16.

⁵² Ibid., p. 8 (Pakistan); p. 11 (Guinea); and p. 13 (Mexico).

⁵³ Ibid., p. 11.

⁵⁴ Ibid., p. 13.

⁵⁵ Ibid., pp. 13-15.

15. The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone

Initial proceedings

Decision of 21 December 2000 (4252nd meeting): statement by the President

At its 4252nd meeting, on 21 December 2000, the Security Council included in its agenda the item entitled "The situation in Guinea following recent attacks along its borders with Liberia and Sierra Leone". The Council then invited the representative of Guinea to participate in the meeting. The President (Russian Federation) drew the attention of the Council to a letter from the representative of Mali,¹ transmitting the final communiqué of the twenty-fourth session of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS), held at Bamako on 15 and 16 December 2000. The communiqué stressed the need for the disarmament of irregular armed groups and the restoration of peace in Guinea, Liberia and Sierra Leone and called for an immediate deployment of interposition forces along their borders.

¹ S/2000/1201.

At the meeting, the President made a statement on behalf of the Council,² by which the Council, inter alia:

Condemned incursions into Guinea by rebel groups coming from Liberia and Sierra Leone;

Also condemned the looting of the facilities of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations;

Reaffirmed its commitment to the sovereignty and territorial integrity of Guinea; called on all States to refrain from providing any military support and from any act that might contribute to further destabilization of the borders between Guinea, Liberia and Sierra Leone;

Requested the Secretary-General to consider what support the international community might provide ECOWAS in order to ensure security on the border of Guinea.

² S/PRST/2000/41.

**Deliberations of 8 March 2001 and 14 May 2001
(4291st and 4319th meetings)**

At its 4291st meeting,³ on 8 March 2001, the Council heard a briefing by the United Nations High Commissioner for Refugees, following which statements were made by most members of the Council⁴ and the representatives of Guinea and Sierra Leone.

In his briefing, the High Commissioner for Refugees reported that the United Nations Mission in Sierra Leone (UNAMSIL) and the Office of the United Nations High Commissioner for Refugees had realized initial contacts with the Revolutionary United Front (RUF) regarding the principles of safe access and passage for displaced persons. He stated that he had invited both the Government of Guinea and RUF to refrain from military actions in the area of Kambia in order to allow the road from Forecariah to Kambia to be a safe passage for the return of refugees from Guinea to Sierra Leone. He further noted that, overall, the principles of “safe access to and safe passage of” were being respected by the three countries and RUF. Moreover, he observed that this was the beginning of the successful implementation of the mandate of resolution 1270 (1999). He stated that there were indications that RUF was prepared to leave the Kambia area under UNAMSIL control. Nevertheless, he argued that at that stage UNAMSIL was still too weak to effectively control the area and asked the Council to strengthen it with both additional troops and a new mandate.⁵

The majority of speakers expressed concern for the situation of the refugees and the need for an effective repatriation. They highlighted the need for a thorough assessment of the capacity of Sierra Leone to absorb such a large number of refugees and requested assistance in the process. On the role of RUF in the process, some speakers indicated their reluctance to

dialogue with such force, considering it unreliable.⁶ Others appreciated the efforts made by the High Commissioner for Refugees and argued that at that stage dialogue was possible and could be beneficial.⁷ Some speakers highlighted the need to create “safe corridors” in the RUF-controlled territory to allow refugees to return to Sierra Leone.⁸ Other speakers questioned the feasibility of such initiative, highlighting the insufficient strength of the troops of UNAMSIL and other issues.⁹ On this issue, some speakers favoured strengthening of UNAMSIL.¹⁰ Others underlined that the strengthening of such troops would require time and that the Council had to respond to the situation in a more timely manner.¹¹

The representative of Jamaica expressed concern for the fact that relocating the estimated 135,000 refugees in the Languette region would take considerable time. She therefore urged the High Commissioner for Refugees to develop a plan for a quick relocation of these refugees. Moreover, she observed that the key for stability in Sierra Leone was to bring the activities of RUF to an end and suggested that a strengthening of UNAMSIL would constitute a crucial factor in achieving this goal.¹²

The representative of the United Kingdom urged the Government of Guinea to avoid indiscriminate attacks from helicopters if they endangered refugee populations. He observed that strengthening of UNAMSIL would inevitably require time and argued that the Security Council should not disregard a short term plan that reflected the realities of what the United Nations was able to do and that had, as a priority, the relocation of refugees in dangerous areas to adequate camps away from the border. Specifically, he estimated that in order to create a safe corridor for the refugees out of the “parrot’s beak” into a safer area such as Kenema, UNAMSIL would require a force at least three times bigger than what was available. Finally, he

³ At its 4276th meeting, held in private on 12 February 2001, the Council met with the delegation of the Economic Community of West African States Mediation and Security Council, composed of the Minister for Foreign Affairs of Mali (leader of the delegation), the Minister for Foreign Affairs of Togo and the Minister for Foreign Affairs of Nigeria, regarding the situation in Guinea, Liberia and Sierra Leone.

⁴ The representative of the Russian Federation did not make a statement.

⁵ S/PV.4291, pp. 2-5.

⁶ *Ibid.*, p. 7 (United Kingdom); p. 8 (France); and p. 10 (United States).

⁷ *Ibid.*, p. 13 (China, Singapore).

⁸ *Ibid.*, pp. 11-12 (Mali); pp. 14-16 (Mauritius); and p. 24 (Sierra Leone).

⁹ *Ibid.*, p. 7 (United Kingdom); pp. 8-9 (France); and pp. 9-10 (United States).

¹⁰ *Ibid.*, pp. 12-13 (China); pp. 13-14 (Singapore); and pp. 14-16 (Mauritius).

¹¹ *Ibid.*, pp. 6-7 (United Kingdom); pp. 8-9 (France); and p. 16 (Bangladesh).

¹² *Ibid.*, pp. 5-7.

expressed doubts on the reliability of RUF in abiding by its commitment with the High Commissioner and argued that a deterrent to encourage them to respond to the requests of the international community was necessary.¹³

The representative of Tunisia noted that the commitment of the parties was only the first step in a long process and stressed that it was essential to determine the authorities and mechanism for ensuring the safety of the refugees; who would be in charge of the operation since neither the army of Guinea nor UNAMSIL seemed to be able to do it; as well as to confirm the cooperation of all non-State actors.¹⁴

The representative of France expressed doubts about the cooperation of RUF and other rebel movements in the region, especially the United Liberation Movement of Liberia for Democracy. He therefore expressed concern for the feasibility of a safe repatriation of such a great number of refugees. He suggested that UNAMSIL would have to focus its energy on its mandate and not on other tasks until it could increase its numbers in a second phase. He finally argued that the best strategy in the short term was to provide more means to Guinea to help the refugees resettle on its territory the large numbers of refugees it had accepted, as well to continue the policy of welcoming refugees until they could be returned to their country of origin.¹⁵

The representative of the United States highlighted that the Security Council should focus on the refugees' immediate need for protection and relief. He stated that his country did not support the creation of "safe corridors" for refugees through RUF-held territory as RUF could not be considered trustworthy. He finally observed that the strengthening of UNAMSIL was a priority and a condition for a positive solution of the situation.¹⁶

The representative of Colombia noted that the interposition force that ECOWAS had called for in December 2000¹⁷ had not become a reality. Therefore, he observed that it might be necessary to review the options offered by the presence of UNAMSIL in the

field and the results of its most recent contacts with RUF.¹⁸

The representative of China observed that despite the risk that RUF was not reliable, its willingness to cooperate, as well as that of the three Governments, was encouraging.¹⁹

The representatives of Mali and Singapore concurred that the first priority of the Council should be to achieve a formal agreement between the Governments of Guinea and Sierra Leone and RUF, on the basic principles of freedom of access and safe passage.²⁰

The representative of Mauritius commented that some humanitarian organizations on the ground in Guinea had argued that the refugees would not utilize the safety corridors for fear of being attacked by RUF, no matter what guarantees had been secured. They argued that the refugees should be temporarily relocated to northern Guinea until the situation improved. He also stressed the importance of the President of Liberia being fully involved in finding a solution for the safe return of all refugees.²¹

The representative of Guinea stated that the "sole cause" of the humanitarian situation in the southeast of Guinea was the "armed attack perpetrated by rebel groups with the support of the Government of Liberia". He argued that a successful resolution of the refugee situation in the "parrot's beak" should take into account two conditions. First, a "safe corridor" within the territory of Sierra Leone needed to be set up for refugees' repatriation, followed by safe reception areas within Sierra Leone. Finally, he stated that Guinea was willing to transfer refugees that wanted to remain on its territory for safety reason in interior areas, with the cooperation of the High Commissioner for Refugees.²²

At the same meeting, the High Commissioner for Refugees replied to the comments of the other speakers and provided additional information on the situation in the "parrot's beak". He reiterated that there had been a remarkable slowdown of the hostilities in the region and that RUF demonstrated increasing willingness to dialogue. He noted that this change of attitude was

¹³ Ibid., pp. 6-7.

¹⁴ Ibid., pp. 7-8.

¹⁵ Ibid., pp. 8-9.

¹⁶ Ibid., pp. 9-10.

¹⁷ See S/2000/1201, annex.

¹⁸ S/PV.4291, pp. 10-11.

¹⁹ Ibid., pp. 12-13.

²⁰ Ibid., pp. 11-12 (Mali); and pp. 13-14 (Singapore).

²¹ Ibid., p. 15.

²² Ibid., pp. 17-19.

probably determined by the fact that RUF had realized that the possible strengthening of UNAMSIL and the stronger position of the Sierra Leone Army would have eventually changed the balance of power in the region. Moreover, he noted that RUF was in an increasingly difficult situation, as it was being progressively isolated by the international community and non-governmental organizations. He indicated his reluctance to allow large flows of refugees and suggested that the opening of the border should be limited to the area from Forecariah to Kambia. He further argued that the mandate of UNAMSIL did not prevent its troops from taking over the Kambia area. Rather, the problem was the inadequate number of troops available at the moment. He finally noted that the efforts of repatriation of the refugees would be limited to a single corridor in the Forecariah-Kambia route, in the context of RUF pulling out and it becoming UNAMSIL territory.²³

Finally, the representative of Sierra Leone expressed his support for the idea of “safe corridors”, but highlighted that Sierra Leone had limited capacity to accept the returnees. He highlighted how his country was already overwhelmed by both the large number of returnees and the thousands of internally displaced persons.²⁴

At its 4319th meeting,²⁵ on 14 May 2001, the Council included in its agenda a letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council,²⁶ transmitting the report of the Inter-Agency Mission to West Africa. The report provided a large number of recommendations on the crisis in Sierra Leone and West Africa, including, *inter alia*, the necessity of a comprehensive approach, the establishment of a United Nations office for West Africa, the need for a two-track strategy (short and long term), increased cooperation with ECOWAS, and various suggestions aimed, *inter alia*, at controlling

migrations and implementing disarmament, demobilization and reintegration programmes.

At the meeting, statements were made by all members of the Security Council, as well as the Under-Secretary-General for Peacekeeping Operations, the Assistant Secretary-General for Political Affairs and the Deputy Emergency Relief Coordinator. The President (United States) drew the attention of the Council to a letter from Mali dated 11 April 2001 addressed to the President of the Security Council,²⁷ transmitting the final communiqué of the Extraordinary Summit of the Heads of State and Government of ECOWAS held in Abuja on 11 April 2001. The communiqué highlighted the willingness of ECOWAS to deploy an interposition force along the borders of the countries concerned and the need to establish “safe corridors” for refugees to be repatriated.

At the outset, the Under-Secretary-General for Peacekeeping Operations briefed the Council on the recent political developments in the region. He stated that the major political development was the meeting of ECOWAS, the United Nations, Sierra Leone and RUF, held in Abuja on 2 May 2001. On this occasion, Sierra Leone and RUF had renewed their commitment to remove roadblocks and to refrain from military action. The meeting had called for the simultaneous disarmament of RUF and the Kamajors, as well as the establishment of a joint committee to implement the disarmament, demobilization and reintegration programme. Moreover, it had displayed the intention of Sierra Leone to facilitate the certification of RUF as a political party. The Under-Secretary-General further noted that RUF had committed itself to withdrawing from Kambia and argued that this action would facilitate efforts in repatriating refugees of Sierra Leone. Finally, he observed that progress had been made towards establishing the Truth and Reconciliation Commission.²⁸

The Deputy Emergency Relief Coordinator stated that the regional approach had proven to be the right one, as the crisis in each country was fuelling the crises in the neighbouring countries. She highlighted that at the time between 200,000 and 300,000 persons were internally displaced in Guinea and she observed that the conditions for repatriation were still lacking. Significant numbers of refugees were spontaneously

²³ *Ibid.*, pp. 19-23.

²⁴ *Ibid.*, p. 24.

²⁵ For more information on the discussion at this meeting, see chap. XII, part III, sect. B, with regard to encouragement or calls by the Security Council for action by regional arrangements in the pacific settlement of disputes, and part III, sect. D, with regard to consideration or authorization by the Security Council of enforcement action by regional arrangements.

²⁶ S/2001/434.

²⁷ S/2001/353.

²⁸ S/PV.4319, pp. 2-5.

returning to Sierra Leone, often via areas controlled by RUF, which was creating problems for the humanitarian community as well as posing risks for the refugees themselves. The reception of these returnees was creating difficulties for Sierra Leone, as their numbers were increasing and the resources to relocate them limited. She further observed that the situation in Liberia was not improving, as fighting was continuing along the border of Lofa County and between 60,000 and 80,000 people were displaced within its territory. She finally recommended the establishment of a subregional capacity by the Office for the Coordination of Humanitarian Affairs in order to facilitate the exchange and analysis of strategic information.²⁹

The Assistant Secretary-General for Political Affairs highlighted the lack of progress in dialogue among the Heads of State in the Mano River subregion, and invited the Security Council and ECOWAS to intervene as facilitators. He observed that relaunching the peace process in Sierra Leone was essential, as well as introducing into the agenda the planning of elections to improve political stability. He then addressed the issue of institutional arrangements, observing that the establishment of a United Nations office for West Africa would be an appropriate means to develop an integrated approach to the different issues. Moreover, he recommended the creation of an inter-agency working group in order to coordinate the efforts of different bodies and increase the exchange of information. Finally, he called for the expansion of the mandate of UNAMSIL to include also Guinea and Liberia. This would offer the conditions for better monitoring the borders in the entire “parrot’s beak”. He observed that the disarmament, demobilization, and reintegration process should be developed under a regional perspective.³⁰

At the same meeting, the majority of the delegations acknowledged the importance of a regional approach in dealing with the situation in Guinea, as the numerous cross border issues required a wider perspective. In this regard, they encouraged increased cooperation with ECOWAS and welcomed the proposal for a regional office in West Africa as an important development. They also expressed support for the implementation of disarmament, demobilization and reintegration programmes, as well as for initiatives

aimed at a strengthening of security and economic development. Several speakers stated that sanctions against Liberia were not to be lifted until the country complied with resolution 1343 (2001) and that the Council had to ensure the effectiveness of the arms embargo, the travel ban and the diamond embargo.³¹ With regard to regional security, some speakers argued that a cautious approach should be used when dealing with RUF. They noted that despite its collaborative attitude, RUF could not be fully trusted.³² In this respect, some speakers expressed support for the deployment of ECOWAS interposition forces on the borders, in order to monitor the situation and facilitate refugees’ repatriation.³³

The representative of Jamaica stressed that the proposal to expand the mandate of UNAMSIL into the neighbouring countries deserved serious attention.³⁴ The representative of Mali expressed support for the ECOWAS recommendation on broadening the mandate of UNAMSIL, and called on the Council to respond positively to the ECOWAS offer to strengthen UNAMSIL by 3,000 men.³⁵ The representative of Ukraine suggested that the proposal for the expanded role of UNAMSIL should be further studied by the Secretariat so that the Council could operate in the most effective way.³⁶

The representatives of the United Kingdom, the Russian Federation and the United States expressed disagreement with the proposal to expand the mandate of UNAMSIL to Guinea, Sierra Leone and Liberia. They noted that the problems that affected the three regions were different and that an approach focusing on the enhancement of the coordination of subregional structures in West Africa would produce better results.³⁷ The representative of Ireland noted that a substantial change to the mandate of a peacekeeping force already in operation presented practical difficulties.³⁸

²⁹ Ibid., pp. 5-9.

³⁰ Ibid., pp. 9-13.

³¹ Ibid., p. 16 (United Kingdom); p. 17 (Tunisia); and p. 18 (Ireland).

³² Ibid., p. 19 (Ireland); and p. 20 (Bangladesh).

³³ Ibid., p. 17 (Tunisia); p. 20 (Bangladesh); p. 21 (Russian Federation); p. 25 (Jamaica); and p. 28 (China).

³⁴ Ibid., p. 25.

³⁵ Ibid., p. 14.

³⁶ Ibid., p. 29.

³⁷ Ibid., p. 16 (United Kingdom); p. 21 (Russian Federation); and p. 31 (United States).

³⁸ Ibid., p. 19 (Ireland).

16. Security Council resolution 1054 (1996) of 26 April 1996

Initial proceedings

Decision of 28 September 2001 (4384th meeting): resolution 1372 (2001)

At its 4384th meeting, on 28 September 2001, the Security Council included in its agenda the item entitled "Security Council resolution 1054 (1996) of 26 April 1996". The President drew attention to a draft resolution submitted by Bangladesh, Colombia, Jamaica, Mali, Mauritius, Singapore, Tunisia and Ukraine,¹ it was put to the vote and adopted, by 14 votes to none, with 1 abstention (United States), as resolution 1372 (2001), by which the Council, *inter alia*:

Noting the steps taken by the Government of the Sudan to comply with the provisions of resolutions 1044 (1996) and 1070 (1996),

Decided to terminate, with immediate effect, the measures referred to in paragraphs 3 and 4 of resolution 1054 (1996) and paragraph 3 of resolution 1070 (1996).

Statements were made by the representatives of the Russian Federation, the United Kingdom, the United States and Ireland, as well as the representative of the Sudan.

The representative of the United States stated that his country expected the Sudan to demonstrate a full commitment to anti-terrorism, although it appreciated that the Sudan had been engaged in serious discussion on the issue with the Government of the United States. He also stated that the United States was deeply concerned that the suspects wanted in connection with the 1995 assassination attempt on the life of the President of Egypt in Ethiopia had not been brought to justice and urged the international community to continue the efforts to bring them to justice. The United States also had continuing concerns about the enormous suffering of the Sudanese people in the civil war, which had lasted 18 years. However, he stressed, along with the Russian Federation, the importance of the calls by Egypt and Ethiopia for the lifting of the sanctions, who were the victims of the incident that led to the Security Council actions on the Sudan and who had originally asked for the sanctions. He stated that,

¹ S/2001/916.

in the light of these considerations, his delegation had abstained on the resolution.²

The representatives of the Russian Federation, the United Kingdom and Ireland expressed appreciation for the efforts undertaken by the Government of the Sudan to meet the demands in resolutions 1054 (1996) and 1070 (1996) and welcomed that the Sudan had met the conditions for the lifting of the sanctions.³ The representative of the Russian Federation also noted that the Organization of African Unity, the Coordinating Bureau of the Non-Aligned Movement and the Group of Arab States had made official statements that the Sudan had fully met with the demands for the lifting of the sanctions. Through the process in which the Sudan had been committed to meeting the demands of the Council, it had begun to make efforts to normalize the relationship with its neighbours and the entire region.⁴

The representatives of the Russian Federation and the United Kingdom expressed appreciation that the Sudan had ratified all international anti-terrorism conventions.⁵ Noting that the resolution sent a clear signal that the Council was ready to act once it had determined that a country had complied with the demands in a resolution, the representative of the United Kingdom also called on other States that supported terrorism to take note of the example set by the Sudan.⁶

The representatives of the United Kingdom and Ireland further emphasized the necessity of a political settlement for the civil war in the Sudan and of international support for its settlement and urged the Government of the Sudan to engage urgently in negotiations.⁷

The representative of the Sudan stated that the adoption of the resolution was a fruit of the enormous efforts undertaken by his Government in order to

² S/PV.4384, p. 3.

³ *Ibid.*, p. 2 (Russian Federation); and p. 3 (United Kingdom, Ireland).

⁴ *Ibid.*, p. 2.

⁵ *Ibid.*, p. 2 (Russian Federation); and p. 3 (United Kingdom).

⁶ *Ibid.*, p. 3.

⁷ *Ibid.*, p. 3 (United Kingdom, Ireland).

cooperate with the international community, especially the Council, and its commitment to promoting conditions for international peace and security. He also sent special thanks to the Non-Aligned Movement caucus in the Council. He stated that many useful and constructive bilateral talks, characterized by professional diplomacy, had been undertaken between

the Sudan and the Council members, although these had delayed the adoption of the resolution for some time. He believed that, the resolution represented a strong impetus for the Sudan to proceed forward and to cooperate in wider fields, particularly anti-terrorism, in order to realize justice, peace, security and stability in the world.⁸

⁸ Ibid., p. 4

17. Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council

Initial proceedings

Decision of 19 December 2001 (4440th meeting): statement by the President

By a letter dated 30 April 2001 addressed to the President of the Security Council,¹ the Secretary-General, recalling the endorsement received by the Council through a statement of its President of 21 December 2000,² to dispatch an Inter-Agency Mission to West Africa, submitted the report of the Mission, which visited 11 West African countries from 6 to 27 March 2001. In its report, the Inter-Agency Mission advocated a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa. Several recommendations were made, including the creation of a mechanism for systematic and regular consultations among United Nations entities and with Economic Community of West African States (ECOWAS) and other subregional organizations. To enhance the United Nations capacity and collaboration in the subregion, the report proposed the establishment of a United Nations office for West Africa, to be headed by a Special Representative of the Secretary-General. Other recommendations related to peace and security, governance and human rights, humanitarian assistance, economic development and regional integration.³

At its 4439th meeting, on 18 December 2001, the Security Council included in its agenda without

objection the item entitled “Letter dated 30 April 2001 from the Secretary-General addressed to the President of the Security Council”.

Statements were made by the Assistant Secretary-General for Political Affairs, as well as by all Council members and the representatives of Belgium (on behalf of the European Union⁴), Egypt, Guinea, Morocco, Nigeria and Sierra Leone.

In opening the meeting, the President (Mali) emphasized that the public debate demonstrated the Council’s commitment to seek lasting solutions to the priority needs and problems of West Africa. He also underlined that the report of the Inter-Agency Mission contained a “clear-sighted and courageous” assessment of the situation as well as practical, relevant and feasible recommendations.⁵

In his briefing, the Assistant Secretary-General for Political Affairs recalled that the report of the Inter-Agency Mission had recommended that the United Nations and the international community consider the adoption of an integrated, global and regional approach in the effort to prevent and manage the many conflicts in the region. Outlining the main challenges facing the United Nations with regard to West Africa, he focused on the issues of disarmament, demobilization and reintegration, circulation of light weapons, children and armed conflicts, peace, justice and national reconciliation, humanitarian situation and

¹ S/2001/434.

² S/PRST/2000/41.

³ On the report of the Inter-Agency Mission, see also the discussion at the 4319th meeting of the Council in connection with the situation in Sierra Leone (Sect. 15 of the present chapter).

⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁵ S/PV.4339, p. 2.

human rights. In light of these challenges, he emphasized the need for sustained support for ECOWAS and the Mano River Union as well as for the Office of the Special Representative of the Secretary-General for West Africa.⁶

In their reactions to the briefing, recognizing that the challenges facing West Africa had a subregional dimension, the majority of speakers endorsed the need for an integrated holistic strategy that would include the United Nations, the international community, the West African States concerned, and the regional and subregional players; supported the establishment of the Office of the Representative of the Secretary-General for West Africa; advocated the need to further increase coordination with and support for ECOWAS; and supported the implementation of effective disarmament, demobilization and reintegration programmes in the countries of the region. Some delegations hoped that further consideration would be given to the recommendations contained in the Inter-Agency Mission report which had not been fully implemented yet.

With regard to specific country situations, many speakers welcomed the progress achieved in the Mano River Union and emphasized the importance of confidence-building and cooperation, encouraging in this connection the States of the Mano River Union to hold a summit in the near future. Referring to the situation in Sierra Leone, although recognizing the presence of a few more challenges related to the Revolutionary United Front, many delegations noted progress, welcomed the upcoming elections and stressed the need for them to be democratic and all-

⁶ Ibid., pp. 2-8.

inclusive. In connection with Liberia, a number of delegations expressed concern over the security situation in the country and emphasized the importance of the continued engagement of the international community in the country, particularly in view of developments in Sierra Leone.

The representative of the United States drew attention to the issue of sanctions against Liberia and indicated that soon the Council would consider renewing or strengthening those sanctions since President Taylor had continued to violate the embargo on importation of arms and the ban on diamond exports. He also added that the Council should sanction those individuals most responsible for continuing threats to peace and the election process.⁷

At the 4440th meeting, on 19 December 2001, the President made a statement on behalf of the Council,⁸ by which the Council, *inter alia*:

Welcomed with satisfaction the report of the Inter-Agency Mission and fully supported initiatives taken with a view to implementing its recommendations;

Emphasized that greater subregional integration must remain a key goal for the United Nations system; stressed the need to further strengthen the capacities of ECOWAS;

Underlined the importance of taking steps to develop cooperation and coordination among the intergovernmental bodies and entities of the United Nations system which could influence the situation in West Africa;

Also emphasized the need to strengthen the capacity of ECOWAS to monitor and to stem the illicit flows of small arms and the establishment of militia;

Appealed to the international community for substantial financial assistance for the programme for the disarmament, demobilization and reintegration of former combatants and other peace consolidating activities in Sierra Leone.

⁷ Ibid., p. 24.

⁸ S/PRST/2001/38.

18. Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security

Initial proceedings

Decision of 31 October 2002 (4640th meeting): statement by the President

At its 4630th meeting, on 22 October 2002, the Security Council included in its agenda the item entitled “Strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security” and a letter dated 21 October 2002 from the representative of Cameroon addressed to the President of the Security Council,¹ transmitting a background note for the meeting, which outlined, *inter alia*, the slow progress in economic and social development in the Central African region; the difficulties in developing structures for regional cooperation; and the problem of building peace, including the requirement for the mobilization of major resources to support the demobilization, disarmament and reintegration operations.

At the same meeting, the Council heard briefings by the Assistant Secretary-General for Political Affairs, the Country Director for South Central Africa and the Great Lakes countries of the World Bank, the Director of the Bureau for Crisis Prevention and Recovery of the United Nations Development Programme (UNDP) and the President of the Economic and Social Council. Statements were made by all members of the Council, as well as the representatives of Burundi, the Central African Republic, Chad, the Republic of the Congo (on behalf of the Economic Community of Central African States (ECCAS)), the Democratic Republic of the Congo, Denmark (on behalf of the European Union²), Egypt, Equatorial Guinea, Gabon, Japan, the Permanent Observer of the African Union and the Deputy Secretary-General of ECCAS.³

The Assistant Secretary-General for Political Affairs, expressing serious concern at the political, social, economic, security and humanitarian situation in several of the countries in the subregion, pointed out that the numerous armed conflicts in Central African States had undermined efforts to achieve sustainable development and stability. He stressed the need for both national and subregional efforts to address the cross-cutting challenges facing Central African countries. Noting that the United Nations had been deeply involved in assisting the region, notably by promoting the development of subregional capabilities for early warning and prevention, the dispatching of Special Envoys, the authorization of peacekeeping and peacebuilding operations and the creation of the Standing Advisory Committee on Security Questions in Central Africa, focusing on disarmament, he stressed the importance of the Central African States taking the lead and showing the necessary political will.⁴

The Country Director for South Central Africa and the Great Lakes countries of the World Bank stressed the interconnectedness of development and conflict, noting that political and economic development failures had been among the key roots of conflict in Central Africa, and that the consequences of these conflicts in turn were taking a heavy toll on development efforts. He pointed out that the World Bank was involved through a variety of instruments and approaches, paying particular attention to the political economy of recovery in post-conflict countries, but cautioned that political leadership was required to create the best possible environment for the World Bank contributions to be successful. Finally, he noted that the World Bank’s Multi-Country Demobilization and Reintegration Programme for the greater Great Lakes region of Africa, which was seeking to operationalize the regional strategy for disarmament, demobilization and reintegration, would complement the efforts of the United Nations.⁵

¹ S/2002/1179.

² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³ The Central Africa Republic, the Democratic Republic of the Congo, the Republic of the Congo, Equatorial Guinea and Gabon were represented by their respective Ministers for Foreign Affairs.

⁴ S/PV.4630, pp. 4-5.

⁵ *Ibid.*, pp. 5-8.

The Director of the Bureau for Crisis Prevention and Recovery of UNDP also stressed the interdependence between poverty and conflict, which required development programmes to contribute to consolidation of peace and prevention of resumed conflict. She stated that the parameters of the strategic framework for UNDP were conflict prevention, recovery, peacebuilding, and capacity-building of regional and subregional organizations. In that context, she outlined a number of regional and country-level UNDP activities in Central Africa, particularly in the areas of disarmament, demobilization and reintegration of former combatants, capacity-building and awareness-raising at the community and State levels.⁶

The President of the Economic and the Social Council, noting that peacebuilding required a comprehensive approach, pointed out that the Economic and Social Council had a Charter-mandated role to play in addressing root causes of violence and assisting in peacebuilding processes. Recognizing the importance of cross-border influences, he stated that the Economic and Social Council would continue to advocate for the creation of a subregional United Nations coordinating capability in Central Africa. While welcoming recent progress in a number of Central African States, he deplored continued illegal exploitation of the region's natural resources. He believed that it was imperative for the countries of the subregion to own and lead their own reconstruction. He expressed the hope that the decision of the Economic and Social Council to establish, upon request, an ad hoc advisory group to examine humanitarian and economic needs would be successful.⁷

In their statements, participants covered a number of general topics, including the importance of African ownership of the peacebuilding processes; the development of disarmament, demobilization and reintegration programmes; the fight against illicit traffic in small arms and light weapons; the need for international assistance as well as financial and material resources; the convening of an international conference on peace, security, democracy and development in the Great Lakes region; a proposal for the establishment of a United Nations regional office; and the coordination and coherence of the United Nations activities in Central Africa.

⁶ Ibid., pp. 8-10.

⁷ Ibid., pp. 10-11.

Most speakers expressed concern at the proliferation and persistence of conflicts throughout Central Africa, and at the widespread poverty in a region of abundant natural resources. Many delegates emphasized that peacebuilding in Central Africa would require a regional and comprehensive approach, taking into account both the socio-economic, humanitarian, security and human rights dimensions.

The representative of Japan expressed support for the recommendation on strengthening the relationship between the Security Council and African regional and subregional organizations, put forward by the Council's newly established Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.⁸ The Permanent Observer of the African Union believed that the partnership among the United Nations, regional and subregional organizations should be based on the principle of shared responsibility in peacekeeping operations.⁹

Meanwhile, the representative of Denmark, on behalf of the European Union, argued that an important prerequisite for consolidating regional peace, democracy and economic stability was the existence of a genuine political will to cooperate. If the Central African States expressed a genuine political will for cooperation then the United Nations should help to enhance the institutional capacities of the region.¹⁰ Moreover, the representative of the United States observed that regional cooperation required stable and healthy nation States, adding that effective international assistance could not be provided until each nation in the region was functioning and thriving.¹¹

A number of delegations expressed appreciation for the work of the United Nations Standing Advisory Committee on Security Questions in Central Africa and its important role in reinvigorating ECCAS and in facilitating the establishment by ECCAS of a number of mechanisms, including the non-aggression pact among the States of ECCAS; the Council for Peace and Security in Central Africa; the Multinational Force for Central Africa; the early-warning mechanism for Central Africa; and a subregional centre for human rights and democracy in Central Africa. Meanwhile, a

⁸ Ibid., p. 27.

⁹ S/PV.4630 (Resumption 1), p. 5.

¹⁰ S/PV.4630, p. 24.

¹¹ S/PV.4630 (Resumption 1), p. 9.

few speakers deplored the fact that those instruments had not yet become fully operational.¹²

At its 4640th meeting, on 31 October 2002, the Council again included in its agenda the letter dated 21 October 2002 from the representative of Cameroon addressed to the President of the Security Council.¹ The President (Cameroon) made a statement on behalf of the Council,¹³ by which the Council, *inter alia*:

Welcomed subregional efforts to promote conflict prevention, management and resolution in Central Africa;

Recognized the important role that regional and subregional organizations could play in preventing the illicit traffic of small arms and light weapons and affirmed the need to promote and strengthen the partnership between the United Nations system and Central African States in relation to the maintenance of peace and security;

Also reaffirmed the importance of disarmament, demobilization and reintegration programmes in the process of conflict resolution in Central Africa;

Recommended the inclusion, where appropriate, of support for disarmament, demobilization and reintegration in the mandates of peacekeeping and peacebuilding operations and emphasized the importance of a comprehensive, integrated, resolute and concerted approach to the issues of peace, security and development in Central Africa.

¹² S/PV.4630, p. 20 (Democratic Republic of the Congo); and p. 23 (Equatorial Guinea).

¹³ S/PRST/2002/31.

19. Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

Initial proceedings

Deliberations of 9 December 2002 (4659th meeting)

By a letter dated 29 November 2002 addressed to the President of the Security Council, the representative of Chad informed the Council that, further to his letter relating to the transmission of the document concerning the position of Chad on the Central African crisis, the Government of Chad wished to address the Security Council.¹

At its 4659th meeting, held in private on 9 December 2002, the Security Council considered the item entitled "Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council". The members of the Council and the representative of Chad had a constructive discussion.

¹ S/2002/1317.

20. The situation in Côte d'Ivoire

Initial proceedings

Decision of 20 December 2002 (4680th meeting): statement by the President

At its 4680th meeting,¹ on 20 December 2002, the Security Council included in its agenda the item entitled "The situation in Côte d'Ivoire", and extended invitations to the representatives of Côte d'Ivoire and Senegal to participate in the discussion. The President (Colombia) drew the attention of the Council to a letter dated 19 December 2002 from the representative of Senegal,² in his capacity as representative of the Chairman of the Economic Community of West African States (ECOWAS), transmitting the text of the final communiqué of the extraordinary summit of ECOWAS on Côte d'Ivoire, adopted at Dakar on 18 December 2002. Referring to paragraph 18 of the communiqué, in which ECOWAS appealed to the Council to provide assistance in its efforts to find a solution to the Ivorian crisis, the representative of Senegal requested the Council to consider without delay the specific forms and modalities of United Nations support for the efforts of ECOWAS.

At the meeting, the President made a statement on behalf of the Council,³ by which the Council, *inter alia*:

Expressed its grave concern at the situation in Côte d'Ivoire and its serious consequences for the population of the country and the region;

Stressed that the crisis in Côte d'Ivoire could be resolved only through a negotiated political solution;

Strongly supported the efforts of ECOWAS, currently chaired by Senegal, to promote a peaceful resolution of the conflict;

Expressed its full support for the deployment in Côte d'Ivoire of the ECOWAS Monitoring Group force, under Senegalese command, by 31 December 2002;

Expressed its deepest concern at reports of mass killings and grave violations of human rights in Côte d'Ivoire;

Called on all parties to ensure full respect for human rights and international humanitarian law;

Also expressed its concern at the humanitarian consequences of the crisis in Côte d'Ivoire;

Called upon the international community to provide urgent humanitarian assistance to those in need in all the countries of the subregion that were affected by the Ivorian crisis.

Decision of 4 February 2003 (4700th meeting): resolution 1464 (2003)

At its 4700th meeting, on 4 February 2003, in which the representative of Côte d'Ivoire was invited to participate, the Council included in its agenda a letter dated 27 January 2003 from the representative of France, transmitting copies of the Linas-Marcoussis Agreement signed by Ivorian political forces on 23 January 2003 and the Conclusions of the Conference of Heads of State on Côte d'Ivoire held in Paris on 25 and 26 January 2003.⁴

At the meeting, at which the Secretary-General was present, the President (Germany) drew the attention of the Council to a draft resolution;⁵ it was put to the vote and adopted unanimously and without debate as resolution 1464 (2003), by which the Council, determining that the situation in Côte d'Ivoire constituted a threat to international peace and security in the region, *inter alia*:

Endorsed the Linas-Marcoussis Agreement and called on all Ivorian political forces to implement it fully and without delay;

Called on all Ivorian political forces to work towards the establishment of a balanced and stable government; and noted the provisions in the Agreement for the establishment of a Monitoring Committee;

Requested the Secretary-General to submit recommendations to the Council on how the United Nations could support the implementation of the Linas-Marcoussis Agreement;

¹ During this period, in addition to the meetings covered in this section, the Council held one meeting in private with the troop-contributing countries to the United Nations Mission in Côte d'Ivoire, pursuant to resolution 1353 (2001), annex II, sections A and B (4854th meeting, held on 7 November 2003).

² S/2002/1386.

³ S/PRST/2002/42.

⁴ S/2003/99.

⁵ S/2003/140.

Welcomed the intention of the Secretary-General to appoint a Special Representative for Côte d'Ivoire;

Condemned violations of human rights and international humanitarian law; requested ECOWAS to report to the Council periodically;

Called upon all States neighbouring Côte d'Ivoire to support the peace process by preventing any action that might undermine the security and territorial integrity of Côte d'Ivoire;

Welcomed the deployment of ECOWAS forces and French troops;

Acting under Chapter VII of the Charter, authorized ECOWAS forces and French forces supporting them to take necessary steps to guarantee the security and freedom of movement of their personnel and to ensure the protection of civilians, for a period of six months.

**Decision of 13 May 2003 (4754th meeting):
resolution 1479 (2003)**

At its 4746th meeting,⁶ on 29 April 2003, the Council heard statements by the Secretary-General, the members of an ECOWAS ministerial delegation comprising the Foreign Ministers of Ghana, Côte d'Ivoire, Guinea and Nigeria, and the Executive Secretary of ECOWAS.⁷

In his opening remarks, the President (Mexico) noted that the Council favoured strengthening cooperation and coordination between the United Nations and ECOWAS in order to create a process leading to peace and stability in Côte d'Ivoire and in the West African region.⁸

The Secretary-General informed the Council that his Special Representative had taken up the role of chairing the follow-up committee established in

accordance with the Linas-Marcoussis Agreement and welcomed the progress that the Prime Minister, Seydou Diarra, had made in establishing the new Government of National Reconciliation. He noted that the various Ivorian parties had at last begun taking important steps to implement the Agreement and that ECOWAS had found it necessary to substantially increase the size of the ECOWAS force at this critical time. He appealed to the Council and the broader international community to quickly provide ECOWAS with the additional financial resources required to sustain the ECOWAS force in the next six months. Finally, the Secretary-General recalled that he had recommended the establishment of a small United Nations operation in Côte d'Ivoire, which would comprise military liaison components as well as human rights, civil affairs and media components, to complement the peacekeeping efforts launched by ECOWAS and France. It was his hope that the Council would shortly authorize that mission so that the United Nations could strengthen its role in the Ivorian peace process.⁹

The Minister for Foreign Affairs of Ghana and Chairman of ECOWAS noted that, since the outset of the Ivorian crisis, ECOWAS had assisted the concerned parties in negotiating a ceasefire and forming a new Government of National Reconciliation. Now that such a Government was in place and the country was apparently returning to the path of normalcy and peace, ECOWAS considered it essential to give the peace process the maximum amount of support. Mindful of that, the Defence and Security Commission of ECOWAS had decided to expand the ECOWAS force from a force of around 1,200 soldiers to one of some 3,200 soldiers. In addition to its original mandate of monitoring the ceasefire, the enlarged ECOWAS force would assume several other responsibilities, including protecting the new Government, patrolling the borders, demobilizing and disarming the various militias in the country and creating conditions conducive for the Government to have full control of the national territory. The Minister remarked that since the West African States lacked the necessary financial means to support an expanded ECOWAS force, ECOWAS had dispatched this ministerial delegation to visit the United Nations and certain major capitals to seek support. Stressing that Côte d'Ivoire was one of the most important States in West Africa, the Minister urged the international community to fully support the

⁶ At the 4747th meeting, held in private on 29 April 2003, the members of the Council, the Minister for Foreign Affairs of Ghana and Chairman of ECOWAS, the Minister of State and Minister for Foreign Affairs of Côte d'Ivoire, the Minister for Foreign Affairs of Guinea, the Minister of State for Foreign Affairs of Nigeria, the representative of Senegal and the Executive Secretary of ECOWAS had a constructive discussion. The Council members welcomed the action taken by ECOWAS with a view to resolving the crisis in Côte d'Ivoire. They strongly supported the appeal addressed by the ECOWAS ministerial delegation to Member States to provide logistical and financial support for the ECOWAS force deployed in Côte d'Ivoire.

⁷ The representative of Senegal was invited to participate in the meeting but did not make a statement.

⁸ S/PV.4746, p. 3.

⁹ *Ibid.*, p. 3.

ongoing peace process initiated by the Ivorians themselves in order to create conditions that would allow Côte d'Ivoire to return to full normalcy and peace, and to be able to conduct free and fair elections in October 2005.¹⁰

The Minister of State and Minister for Foreign Affairs of Côte d'Ivoire held that the political developments in his country had been satisfactory since the signing of the Linas-Marcoussis Agreement. The Government of National Reconciliation, whose members were drawn from all the political spheres, had been established and was functioning. While its first decisions focused on the restoration of security in the country, the Government had taken steps to revitalize trade and human exchanges with its neighbours in the region. Stating that it was determined to abide by all of its international commitments in order to regain the confidence of its people and its neighbours, the Minister held that the Government was especially concerned about the situation in the western part of the country where rebels from Liberia and Sierra Leone were operational. In that regard, he recalled that the recent meeting between the Presidents of Liberia and Côte d'Ivoire in Togo had resulted in a decision to deploy military forces, composed of contingents from Côte d'Ivoire, Liberia, the ECOWAS force and the French forces, to patrol along the long border between the two countries. At the same time, the Minister opined that the flow of small weapons in the subregion constituted a factor of destabilization, cautioning that what was occurring in Côte d'Ivoire could take place in any country if nothing was done to control the dissemination of such weapons. In conclusion, the Minister emphasized the critical role of ongoing assistance of the Council and the entire international community in order for Côte d'Ivoire to emerge from the serious situation and for peace and stability to be restored to Côte d'Ivoire and to the subregion. He stressed that the ECOWAS force needed to remain in Côte d'Ivoire until the holding of the elections in 2005.¹¹

The Minister for Foreign Affairs and Cooperation of Guinea noted that the peacekeeping and peacebuilding experience of ECOWAS in Liberia, Sierra Leone, Guinea-Bissau and Côte d'Ivoire had shown that the required logistical and financial

resources were not always within reach of the West African States. However, he was convinced that with continued support from the Council, as well as assistance from bilateral and multilateral partners, the action that ECOWAS had undertaken in Côte d'Ivoire would be successful.¹²

The Minister of State for Foreign Affairs of Nigeria underlined the need for the Council and the regional partners to take the issue of Côte d'Ivoire seriously, underlining that the international community could not stand by and watch the situation in Côte d'Ivoire deteriorate to the level of that in Sierra Leone before the intervention of the ECOWAS Monitoring Group and the United Nations Mission in Sierra Leone. Noting that the various conflicts in the subregion should be tackled in a holistic manner, he believed that the settlement of the Ivorian crisis would contribute greatly to the resolution of all other problems in the subregion.¹³

For his part, the Executive Secretary of ECOWAS held that while ECOWAS had shown the political will to act and intervene in conflicts in West Africa, its capacity had been restricted due to the lack of financial wherewithal. In that respect, he encouraged the Council to find ways to support worthy subregional efforts to maintain peace and security. He stressed that the Council should encourage ECOWAS to continue to play a leading role in addressing the Ivorian conflict, while also creating the right synergy and collaborative working relationships with ECOWAS.¹⁴

On 26 March 2003, the Secretary-General submitted to the Council a report on Côte d'Ivoire.¹⁵ In that report, the Secretary-General reflected on the root causes of instability in Côte d'Ivoire, notably the power struggle among the leadership and the controversies over nationality laws and eligibility conditions for national elections. Recalling the various international efforts aimed at restoring peace to Côte d'Ivoire, the Secretary-General held that the Linas-Marcoussis Agreement offered the best chance for the Ivorian people to peacefully resolve the conflict that threatened to plunge their country into a crisis of the proportions of those that had devastated Liberia and

¹² Ibid., pp. 5-6.

¹³ Ibid., p. 6.

¹⁴ Ibid., pp. 6-7.

¹⁵ S/2003/374 and Corr.1 and Add.1, submitted pursuant to resolution 1464 (2003).

¹⁰ Ibid., p. 4.

¹¹ Ibid., pp. 4-5.

Sierra Leone. In that respect, he urged the Ivorian parties to overcome their differences to allow the new Government of National Reconciliation to start functioning without further delay and to address the bigger challenge of implementing the work programme set out in the Linas-Marcoussis Agreement. The Secretary-General commended the French and ECOWAS forces for their partnership and invaluable work in preventing the escalation of the conflict and appealed to donor countries to redeem their pledges of assistance.

The Secretary-General, alarmed by the disturbing regional dimension of the Ivorian crisis, underlined the urgent need for the international community to pay more attention to the linkages between the conflict in Liberia and the developments in Côte d'Ivoire and Sierra Leone. Stressing the need for an integrated and common approach by the United Nations system, the Secretary-General noted that his Special Representative for Côte d'Ivoire would devise, in consultation with the humanitarian and development agencies, an appropriate coordination mechanism that would ensure an enhanced effectiveness of the United Nations system's response to the Ivorian crisis and linkages with regional dimensions. Finally, the Secretary-General recommended that the Council approve the proposed arrangements for United Nations support to the Ivorian peace process and that a United Nations mission in Côte d'Ivoire be established for that purpose.

At its 4754th meeting, on 13 May 2003, the Council included the above-mentioned report of the Secretary-General in its agenda and extended an invitation to the representative of Côte d'Ivoire to participate in the discussion. The President (Pakistan) drew the attention of the Council to a draft resolution;¹⁶ it was put to the vote and adopted unanimously and without debate as resolution 1479 (2003), by which the Council, inter alia:

Decided to establish, for an initial period of six months, a United Nations Mission in Côte d'Ivoire (MINUCI), with a mandate to facilitate the implementation by the Ivorian parties of the Linas-Marcoussis Agreement and including a military component;

Approved the establishment of a small staff to support the Special Representative of the Secretary-General on political, legal, civil affairs, civilian police, elections, media and public

¹⁶ S/2003/539.

relations, humanitarian and human rights issues, and the establishment of a military liaison group;

Requested that special attention be given to the gender component within the staff of MINUCI and to the situation of women and girls, consistent with resolution 1325 (2000);

Renewed its appeal to all Ivorian political forces to implement fully and without delay the Linas-Marcoussis Agreement and invited the Government of National Reconciliation to this end to develop a timetable for implementing the Linas-Marcoussis Agreement and to communicate this timetable to the Monitoring Committee;

Emphasized again the need to bring to justice those responsible for the serious violations of human rights and international humanitarian law that had taken place in Côte d'Ivoire since 19 September 2002;

Stressed the importance of an early start to the process of disarmament, demobilization and reintegration;

Requested all Ivorian parties to cooperate with MINUCI in the execution of its mandate, to ensure the freedom of movement of its personnel throughout the country and the unimpeded and safe movement of the personnel of humanitarian agencies, and to support efforts to find safe and durable solutions for refugees and displaced persons.

Decision of 25 July 2003 (4793rd meeting): statement by the President

At its 4793rd meeting, on 25 July 2003, at which the Secretary-General was present, the Council heard a briefing by the Prime Minister of the Government of National Reconciliation of Côte d'Ivoire,¹⁷ following which all members of the Council made statements.

The Prime Minister of Côte d'Ivoire outlined the progress that had been made in the implementation of the Linas-Marcoussis Agreement since the establishment of the Government of National Reconciliation. While the Ministers of Defence and Security remained to be appointed, their respective functions were being carried out and the Government as a whole was working normally. On the military front, the integral ceasefire agreement between the Forces armées nationales de Côte d'Ivoire (FANCI) and the Forces nouvelles had been signed and subsequently the ceasefire was extended westward to the border with Liberia. Meanwhile, a buffer zone between FANCI and the Forces nouvelles had been

¹⁷ At the request of the Prime Minister, his Special Adviser was also given the floor to provide a briefing on the disarmament, demobilization and reintegration programme in Côte d'Ivoire.

defined and the cantonment areas for the two forces had been designated. Recently, the two forces also issued a joint statement declaring the end of the war following which the Government adopted an amnesty bill and submitted it to the National Assembly for adoption. With regard to the relations with neighbouring countries, the Prime Minister referred to several high-level visits from Burkina Faso and Mali, resulting in the opening of safe transportation corridors between Côte d'Ivoire and its neighbours. As to the assistance from the international community, the Prime Minister stressed the need to finance the ECOWAS Mission in Côte d'Ivoire, the disarmament, demobilization and reintegration programme and the redeployment of State administration throughout the national territory. Moreover, the Prime Minister noted that his Government would seek United Nations support for the holding of fair, transparent and open elections by 2005 involving all Ivoirians, as well as financial help in health and education, humanitarian assistance and job training and creation for young people. The Prime Minister emphasized that for Côte d'Ivoire to return to peace and stability, the Liberian conflict must be settled in the subregional context and with the support of the international community. He further stressed that poverty in the subregion must be robustly addressed. Finally, the Prime Minister reiterated that the goal of his Government was to hold fair, transparent and open elections by 2005. To that end, the most important thing was to avoid exclusion by involving all Ivoirians, including non-winning minorities, in the electoral process.¹⁸

The Special Adviser to the Prime Minister provided a detailed overview of the national disarmament, demobilization and reintegration programme in Côte d'Ivoire and elaborated on the plans for its full implementation, including a step-by-step agenda for action in the four phases of the process, namely grouping, disarmament, demobilization, cantonment and reintegration. He held that the process could be successfully implemented following the establishment of the Government of National Reconciliation and by reunifying the army to make it a force devoted to republican values.¹⁹

The Council members welcomed the progress that had been made in the Ivorian peace process, as

¹⁸ S/PV.4793, pp. 2-4, 6 and 18-21.

¹⁹ *Ibid.*, pp. 4-6.

evidently noted by the Prime Minister. Many attached particular importance to the joint statement of 4 July 2003 by FANCI and the Forces nouvelles declaring an end to the war, which constituted an important step forward towards national reconciliation.²⁰ They reiterated the importance of fully implementing the Linas-Marcoussis Agreement and expressed their support for the Prime Minister in that regard. At the same time, they underlined that much remained to be done, particularly with regard to the implementation of the disarmament, demobilization and reintegration programme, the restoration of State administration throughout the country and the revival of the economy. In the light of those challenges, the Council members called on the international community and particularly donor countries to continue to provide generous support to the Government and people of Côte d'Ivoire in their search for lasting peace, as well as to assist ECOWAS in its efforts to restore peace to Côte d'Ivoire.

As a matter of priority, a number of members called for a prompt settlement of the issues concerning the appointment of the Ministers of Defence and Security and the adoption of the amnesty law by the National Assembly so as to make the Government of National Reconciliation fully operational and to promote national reconciliation.²¹ Meanwhile, many stressed the need for the Ivorian parties to carry out the national disarmament, demobilization and reintegration programme without delay.²² Several drew attention to the regional dimension of the Ivorian crisis, with the representatives of Angola and Chile cautioning against the negative repercussions of the situation in Liberia for the stability of Côte d'Ivoire.²³ Finally, the representatives of China and Mexico noted that the proliferation of small arms and the rampant activities of mercenaries in the subregion must be curbed.²⁴

²⁰ *Ibid.*, p. 8 (China); pp. 9-10 (Syrian Arab Republic); p. 10 (Mexico); p. 12 (Angola); p. 13 (Guinea); p. 15 (Russian Federation); and p. 16 (Cameroon).

²¹ *Ibid.*, p. 7 (United Kingdom); p. 8 (China); p. 11 (Mexico); p. 12 (Angola); p. 15 (Russian Federation); p. 17 (United States); and p. 18 (Spain).

²² *Ibid.*, p. 6 (France); p. 7 (United Kingdom); p. 9 (Germany); p. 11 (Mexico); p. 13 (Angola); p. 15 (Chile); and p. 16 (Russian Federation).

²³ *Ibid.*, p. 8 (China); p. 10 (Mexico); p. 13 (Angola); p. 15 (Chile); and p. 17 (United States).

²⁴ *Ibid.*, p. 8 (China); and p. 11 (Mexico).

At the end of the meeting, the President (Spain) made a statement on behalf of the Council,²⁵ by which the Council, *inter alia*:

Reiterated the need for Ivorian political forces to implement fully and without delay all the provisions of the Linas-Marcoussis Agreement, as well as those of the agreement signed in Accra on 8 March 2003, with a view to open, free and transparent elections being held in 2005;

Emphasized, however, that much remained to be done to achieve the full implementation of the Linas-Marcoussis Agreement; endorsed the recommendations of its mission to West Africa;

Renewed its support and encouragement to the Special Representative of the Secretary-General for Côte d'Ivoire; asked him to keep the Council closely informed of developments towards the full implementation of the above objectives;

Stated that it was pleased that MINUCI was now operational and hoped it would soon be fully staffed, including in such crucial areas as the political and human rights components;

Reiterated its full support for the efforts of ECOWAS and France in contributing to a peaceful solution to the crisis;

Invited donor countries to contribute to the reconstruction of Côte d'Ivoire in compliance with their commitments;

Expressed its concern at the continued existence of regional factors of instability, particularly the use of mercenaries and child soldiers, and the spread of small arms and light weapons which prevented a lasting solution to the crisis in the region.

Decision of 4 August 2003 (4804th meeting): resolution 1498 (2003)

At its 4804th meeting, on 4 August 2003, the Council again included in its agenda the report of the Secretary-General of 26 March 2003²⁶ and invited the representative of Côte d'Ivoire to participate in the discussion. The President (Syrian Arab Republic) then drew the attention of the members of the Council to a draft resolution;²⁷ it was put to the vote and adopted unanimously and without debate as resolution 1498 (2003), by which the Council, reaffirming its resolution 1464 (2003), *inter alia*:

Decided to renew for a period of six months the authorization given to Member States participating in ECOWAS forces together with French forces supporting them;

Requested ECOWAS, through the command of its force, and France to report to the Council periodically, through the Secretary-General, on all aspects of the implementation of their respective mandates; and decided to remain actively seized of the matter.

Decisions of 13 November 2003 (4857th meeting): resolution 1514 (2003) and statement by the President

On 4 November 2003, the Secretary-General submitted to the Council his second report on MINUCI.²⁸ In his report, the Secretary-General noted with concern that the Ivorian peace process had encountered serious difficulties since early August 2003. The country had plunged into a political stalemate, mainly due to the boycott by the Forces nouvelles of the Government of National Reconciliation, leaving the latter effectively unable to implement the Linas-Marcoussis Agreement. The Secretary-General particularly expressed concern at the outstanding differences among the Ivorian political actors over their interpretation of the power-sharing concept and the delay in the restructuring process of the Ivorian Defence and Security Forces as provided for in the Agreement. He held that the current difficult situation was further compounded by the activities of hardliners on both sides. While the "militarists" within the Forces nouvelles stressed that the crucial issues pertaining to nationality and article 35 of the Constitution concerning eligibility criteria for the Presidency must be resolved before they surrendered their weapons, some key figures in the ruling party, feeling that they had already made major concessions, questioned the sincerity of the Forces nouvelles' commitment to the peace process. In that context, the Secretary-General urged the Ivorian leaders to cooperate with the ongoing efforts of ECOWAS leaders to convene a meeting between President Gbagbo and the signatories to the Linas-Marcoussis Agreement, with a view to reaching agreement on a number of fundamental issues as well as on a calendar for addressing them. Those key benchmarks would include the following: (a) the acceptance by all parties of the Government of National Reconciliation as fully constituted after the appointment of the Defence and Security Ministers on 12 September 2003; (b) the immediate return of the Forces nouvelles to the

²⁵ S/PRST/2003/11.

²⁶ S/2003/374 and Corr.1 and Add.1.

²⁷ S/2003/783.

²⁸ S/2003/1069, submitted pursuant to resolution 1479 (2003). For the first report, dated 8 August 2003, see S/2003/801.

Government; (c) the immediate commencement of the disbanding of all militias; (d) the earliest and simultaneous cantonment of both the Forces nouvelles and FANCI, and the commencement of their disarmament; (e) the immediate restoration of State authority throughout the territory; and (f) the adoption by the National Assembly, before the end of 2003, of the Government's proposed programme for the implementation of provisions of the Linas-Marcoussis Agreement relating to nationality, article 35 of the Constitution, electoral reforms, the media and human rights.

The Secretary-General fully shared the assessment of the recent mission of the International Organization of la Francophonie to Côte d'Ivoire that, without an early reunification of the country, the holding of elections in 2005 would not be possible. He was confident that the implementation of the above benchmarks would facilitate the reunification of Côte d'Ivoire. Once the current stalemate was resolved and the parties agreed on timelines for those benchmarks and opened up the country for free movement, the United Nations would be ready to dispatch an electoral assessment mission to Côte d'Ivoire to determine how best the Organization could support the elections of 2005, as requested by the Government. The Secretary-General urged the Council to support the efforts aimed at resolving the ongoing political stalemate and looked forward to an early decision by the Council on possible reinforcement of MINUCI. Meanwhile, he recommended that the mandate of MINUCI be extended for another six months. He implored the international community to provide the necessary logistical and financial support to the ECOWAS Mission, which was playing an indispensable role in stabilizing the situation on the ground. Finally, noting that the international community faced a unique opportunity to pursue an effective regional approach in its efforts to bring lasting stability to Côte d'Ivoire, Liberia and Sierra Leone, the Secretary-General urged all stakeholders to make the best use of the opportunity and avoid the dangers of failing to address adequately any one of the situations in the three countries.

At its 4857th meeting, on 13 November 2003, the Council included the above-mentioned report of the Secretary-General in its agenda and invited the representative of Côte d'Ivoire to participate in the discussion. The President (Angola) drew the attention

of the members of the Council to a draft resolution;²⁹ it was put to the vote and adopted unanimously and without debate as resolution 1514 (2003), by which the Council, *inter alia*:

Decided that the mandate of MINUCI should be extended until 4 February 2004;

Requested the Secretary-General to report to the Security Council by 10 January 2004 on the efforts of the Mission to facilitate peace and stability in Côte d'Ivoire, including how those efforts might be improved and in particular the possible reinforcement of the United Nations presence in Côte d'Ivoire.

After the adoption of resolution 1514 (2003), the President made a statement on behalf of the Council,³⁰ by which the Council, *inter alia*:

Urged all Ivorian political forces to implement fully, without delay or precondition, all the provisions of the Linas-Marcoussis Agreement as well as those of the agreement reached in Accra on 8 March 2003 with a view to open, free and transparent elections being held in Côte d'Ivoire in 2005;

Emphasized the urgent need to begin reforming land law and electoral rules, restore public services and the authority of the State throughout the territory of Côte d'Ivoire, and end the use of mercenaries and the illicit purchase of weapons in violation of national laws;

Condemned firmly the grave human rights violations;

Further condemned the murder of a French journalist on 21 October in Abidjan;

Further condemned the hostile acts against United Nations personnel in Bouaké and Man on 24 and 25 October, and recalled that all the parties were obliged, by resolution 1479 (2003), to cooperate with MINUCI and to ensure freedom of movement of its personnel;

Reiterated its full support for the efforts of ECOWAS, France and the Special Representative of the Secretary-General with a view to stabilizing the country and seeking a peaceful settlement of the conflict.

**Decision of 4 December 2003 (4875th meeting):
statement by the President**

At its 4873rd meeting, on 24 November 2003, the Council heard a statement by the Secretary-General, as well as briefings by the Minister for Foreign Affairs of Ghana and the Executive Secretary of ECOWAS.

The Secretary-General voiced deep concern at the political stalemate created by the withdrawal of the

²⁹ S/2003/1083.

³⁰ S/PRST/2003/20.

Forces nouvelles from the Government of National Reconciliation on 23 September 2003. Unless urgent steps were taken to resolve the impasse, he cautioned, the tenuous security situation in the country could deteriorate still further. In that regard, he pointed to the increased tensions between FANCI and the Forces nouvelles, as well as to signs indicating that the situation in some parts of the territory controlled by the Forces nouvelles was degenerating into lawlessness. In view of those alarming developments, the Secretary-General was reassured by the recent meeting of ECOWAS leaders held in Accra on 11 November 2003 where the President and the Prime Minister of Côte d'Ivoire had worked closely together to ensure the effective implementation of the Government's work programme developed on the basis of the Linas-Marcoussis Agreement. The Secretary-General reiterated his call on the Ivorian parties to swiftly address the fundamental issues behind the stalemate as identified in his report of 4 November 2003,³¹ and reaffirmed the commitment of the United Nations to work closely with ECOWAS in the pursuit of peace in Côte d'Ivoire. He noted his intention to send an assessment mission to Côte d'Ivoire soon to prepare recommendations on the United Nations role in facilitating the Ivorian peace process, including through the possible reinforcement of the United Nations presence in the country. He implored the Council and the international community to remain engaged in Côte d'Ivoire and to provide the necessary support to enable ECOMICI to continue its useful work in Côte d'Ivoire.³²

Speaking on behalf of the visiting ECOWAS ministerial delegation, the Minister for Foreign Affairs of Ghana and Chairman of ECOWAS noted that serious difficulties remained in the restoration of peace in Côte d'Ivoire, notably the suspension by the Forces nouvelles of their participation in the Government and the disarmament, demobilization and reintegration programme. To find a rapid solution to the deadlock, a summit was recently convened in Accra among the Heads of State and Government of some ECOWAS Member States. In addition to stressing the need for all Ivorian parties to work together towards lasting peace, the participating leaders had concluded that the presence of a robust peacekeeping force, capable of securing the entire territory of Côte d'Ivoire, would

contribute greatly to the implementation of the Linas-Marcoussis Agreement. Since ECOWAS did not dispose of the means required to raise and maintain such a force, the leaders requested the Council to consider the possibility of establishing a full-fledged United Nations peacekeeping force in Côte d'Ivoire and of transforming the ECOWAS Mission into part of that force. The Minister noted that all the principal actors of the Ivorian crisis appeared to be supportive of such a decisive step aimed at restoring peace to their country. In the light of the allegations that the various parties were strengthening their positions militarily in the eventuality of a resumption of hostilities, he reiterated that insecurity remained the real threat to the peace process in Côte d'Ivoire and highlighted that all measures should be taken to secure the ceasefire and to implement the security provisions of the Linas-Marcoussis Agreement. For its part, ECOWAS had continued to work closely with the French forces to secure the line of separation between the belligerents while deciding to augment the personal security of the Ministers of the Government.³³

Elaborating on the enormous impact of the Ivorian conflict on the overall economic conditions in West Africa, the Executive Secretary of ECOWAS underlined that the restoration of peace and stability to Côte d'Ivoire was a sine qua non for the stability and development of the rest of the subregion. However, despite the considerable efforts by ECOWAS, there were troubling signs of deterioration of the situation in Côte d'Ivoire. Of particular concern was the existence of bands of armed groups whose activities extended beyond the Ivorian borders and threatened the successful efforts of the international community to bring peace to Sierra Leone, Liberia and Côte d'Ivoire. The Executive Secretary therefore urged the international community to adopt a comprehensive regional approach to simultaneously tackle the conflicts in the three countries. To that end, he encouraged the Council to join ECOWAS in a concerted effort to restore peace and stability to Côte d'Ivoire, which would in turn consolidate the gains recently made in Sierra Leone and Liberia. In closing, he noted that to create an enabling environment for dialogue, national reconciliation and the speedy and full implementation of the Linas-Marcoussis Agreement in Côte d'Ivoire, the international community should back political action by the

³¹ S/2003/1069.

³² S/PV.4873, pp. 2-3.

³³ *Ibid.*, pp. 3-5.

presence of a robust peacekeeping force in Côte d'Ivoire.³⁴

At the 4875th meeting,³⁵ on 4 December 2003, in which the representative of Côte d'Ivoire was invited to participate, the President (Bulgaria) made a statement on behalf of the Council,³⁶ by which the Council, *inter alia*:

³⁴ *Ibid.*, pp. 5-6.

³⁵ At the 4874th meeting, held in private on 24 November 2003, the members of the Council, the Minister for Foreign Affairs of Ghana, members of the ministerial delegation and the Executive Secretary of ECOWAS had a constructive exchange of views.

³⁶ S/PRST/2003/25.

Reiterated its full support for the ECOWAS and French forces;

Called on all parties to refrain from any act that might compromise the respect of the ceasefire and implementation of the Linas-Marcoussis Agreement;

Reiterated urgent need for all parties to take all possible measures to accelerate implementation of the Agreement;

Reiterated also its intention to consider the Secretary-General's recommendations on the means of facilitating peace and stability in Côte d'Ivoire;

Welcomed commitments undertaken by President Laurent Gbagbo in his speech on 27 November 2003 and called on all parties in Côte d'Ivoire and countries of the region to guarantee safety and full access of humanitarian agencies personnel.

21. Letter dated 2 October 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Initial proceedings

Decision of 10 October 2003 (4839th meeting): statement by the President

At its 4839th meeting, on 10 October 2003, the Security Council included in its agenda a letter dated 2 October 2003 from the representative of the Sudan,¹ transmitting the text of the Framework Agreement on Security Arrangements during the Interim Period between the Government of the Sudan and the Sudan People's Liberation Movement/Army, signed on 25 September 2003 in Naivasha, Kenya. The representative of the Sudan stated that the agreement on security arrangements was an important breakthrough and key step in reaching a comprehensive settlement.

The representative of the Sudan was invited to participate in the meeting. The President (United States) made a statement on behalf of the Council,² by which the Council, *inter alia*:

Welcomed the agreement on security arrangements reached in Naivasha (Kenya) between the Government of the Sudan and the Sudan People's Liberation Movement/Army; reiterated its welcome for the signing of the Machakos Protocol which represented a viable basis for a resolution of the conflict in the Sudan;

Also welcomed the continuation of the ceasefire and the establishment of the Verification and Monitoring Team, the Joint Military Commission and the Civilian Protection Monitoring Team, and encouraged Member States in a position to do so to contribute financial and logistical resources.

¹ S/2003/934.

² S/PRST/2003/16.

22. Central African region

Initial proceedings

Deliberations of 24 November 2003 (4871st meeting)

At its 4871st meeting,¹ on 24 November 2003, the Security Council included in its agenda without objection the item entitled “Central African region” and a letter dated 10 November 2003 from the Secretary-General to the President of the Security Council,² transmitting to the Council the interim report of the multidisciplinary assessment mission to the Central African subregion.

In the report, the multidisciplinary assessment mission, which had been authorized by the Secretary-General pursuant to the statement by the President of 31 October 2002,³ elaborated on the outcome of its visit to all 11 members of the Economic Community of Central African States (ECCAS)⁴ from 8 to 22 June 2003. The mission highlighted the discrepancy between the subregion’s potential richness and its low ranking on the human development indices and indicated that the recurrence of armed rebellions and conflicts as well as mismanagement and non-inclusive governance throughout the subregion had hampered its socio-economic development. At the same time, the mission pointed out a number of cross-border challenges, including ethnic tensions, refugee flows as well as cross-border movement of weapons, drugs and armed groups, which could only be solved through cooperation and coordination to establish an integrated, holistic subregional approach. The mission recommended that the international community should intensify its partnership with subregional organizations to address such transnational challenges and that the United Nations should strengthen its efforts to support the country-specific disarmament, demobilization and

reintegration programmes. Moreover, 10 of the 11 affected countries had called for the establishment of a United Nations political presence in the subregion, through an office in Central Africa. In the letter, the Secretary-General recalled that there were already a number of United Nations structures in the subregion, including three offices headed by Special Representatives, and proposed instead to appoint a Special Envoy who would be available to work on political issues with Governments in the subregion, and who would also interface with the United Nations entities involved in development and humanitarian activities in Central Africa.

At the same meeting, the Council heard a briefing by the Assistant Secretary-General for Political Affairs and head of the multidisciplinary mission to Central Africa. Statements were made by all Council members as well as the representatives of Italy (on behalf of the European Union⁵), the Congo (on behalf of ECCAS), the Democratic Republic of the Congo, Rwanda, Chad, Equatorial Guinea, the Permanent Observer of the African Union and the Deputy Secretary-General for Political Affairs of ECCAS.

Introducing the report of the multidisciplinary assessment mission, the Assistant Secretary-General noted that, in line with its mandate, the mission had identified the priority needs and challenges in a number of areas, including peace and security, economic and social development, humanitarian affairs, human rights, HIV/AIDS, subregional institutions, United Nations activities and regional integration. He stressed the need for the United Nations to provide assistance to implement subregional policies to address the numerous cross-cutting challenges in the Central African region, and emphasized that the interlinkages between poverty and security required a holistic and integrated approach. Taking note of the Secretary-General’s agreement with the mission’s assessment, he reported that the Secretary-General had called for further examination of the root causes of the

¹ For more information on the discussion at this meeting, see chap. X, part IV, with regard to the interpretation or application of the provisions of Chapter VI of the Charter.

² S/2003/1077.

³ S/PRST/2002/31.

⁴ The members of ECCAS are Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe.

⁵ Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia and Turkey aligned themselves with the statement.

conflicts in the subregion and requested a review of United Nations programmes.⁶

Most speakers concurred with the report's assessment concerning the primary challenges confronting the countries in Central Africa, and about the importance of a subregional approach to address the numerous cross-cutting challenges facing those countries. A number of speakers stressed the importance of strengthening existing subregional mechanisms and organizations, including ECCAS. Moreover, several speakers, while expressing concern about the continued fragility of the countries in Central Africa, welcomed recent progress in the peace process in a number of Central African countries.

Several delegations welcomed the Secretary-General's intention to appoint a Special Envoy for the region.⁷

The representative of Cameroon deplored that the report did not include a recommendation in line with the request, which he believed had been made by all, and not just most, Governments in Central Africa during the mission's visit, for a permanent United Nations presence in the subregion. In addition, he expressed regret that the Secretary-General's transmission letter appeared to indicate that the proliferation of national United Nations offices in the region constituted a problem for the request for a subregional presence, while similar numbers of offices had not prevented the Secretary-General from setting up other subregional offices in the past. He also questioned the need for a new study of the root causes of conflict in the region, as Central Africa had already carried out its own study and the Secretary-General had already published a report on the causes of conflict in Africa. Finally, he rejected the idea that the creation of the office should wait until after the international conference on the Great Lakes, since the Great Lakes conference did not concern ECCAS. The representative hoped that the Council would ask the Secretary-General to see how the request by the Governments in Central Africa could be accommodated swiftly and effectively within existing resources.⁸

The representative of France stated that the cross-border challenges confronting the countries in Central

Africa made it necessary for the States of the region and the international community to coordinate appropriate responses. At the same time, France believed that the proposal to appoint a Special Envoy should be considered in the context of the international conference on the Great Lakes region. He noted that while there was no precise equation between countries participating in the conference on the Great Lakes, there were more than four countries overlapping, and the conference would have an impact on cooperation between many of the countries in the region and on their relations with the United Nations.⁹

The representative of Germany stated that it was difficult to see how a mandate for an additional special envoy for Central Africa could avoid overlapping with the mandate of the Special Representative for the Great Lakes Region. His delegation therefore preferred for the United Nations missions in the Central African subregion to identify possible areas of cooperation aimed at effectively addressing cross-cutting issues.¹⁰

The representative of Spain agreed with the report that it was preferable to make effective and coordinated use of existing structures in the region before considering the possibility of establishing new ones.¹¹

The representative of the United Kingdom recognized the need for a comprehensive and concerted approach to the issues of peace, security and development in Central Africa, and stressed the importance of making effective operational linkages across the United Nations system and, where relevant, across borders. He stated that an integrated and holistic subregional approach was required to complement national solutions, but cautioned against imposing templates on different kinds of problems. In addition, he warned against cutting across or duplicating existing regional and subregional initiatives, noting that rather than creating a new level of bureaucracy, his delegation would prefer to build on existing structures. In that context, he urged the Central African subregional organizations to define their roles according to where they could best add value, and hoped that the proposed review of United Nations programmes would do the same.¹²

⁶ S/PV.4871, pp. 2-4 and 30.

⁷ Ibid., p. 7 (Guinea); p. 8 (China); p. 11 (Syrian Arab Republic); p. 14 (Russian Federation); and p. 25 (Chad).

⁸ Ibid., pp. 4-6.

⁹ Ibid., pp. 6-7.

¹⁰ Ibid., p. 9.

¹¹ Ibid., p. 11.

¹² Ibid., pp. 12-13.

The representative of the Russian Federation expressed concern that some African countries tended to appeal to the international community before fully exhausting national or regional possibilities. That applied to the “rather excessive approach for the establishment in Central Africa of a United Nations office”. Along the same lines were the requests relating to international commissions for investigating violations of human rights and international humanitarian law.¹³

The representative of the United States, noting that the international conference on the Great Lakes region might incorporate a number of the elements laid out in the report of the multidisciplinary mission, recommended that the decision on naming a Special Envoy be deferred until after the issuance of the results and recommendations of that conference. Moreover, he expressed concern about adding yet another layer of bureaucracy to the United Nations structures in the Central African region.¹⁴

The representative of Chile recommended heeding the concern of the Secretary-General regarding the proliferation of United Nations offices in the region. He stressed the importance of setting clear and achievable goals, drawing up a specific timetable and avoiding any duplication of functions.¹⁵

The representative of the Congo, speaking on behalf of the 11 States members of ECCAS, expressed his agreement with the statement by Cameroon. Noting the strong interest of the Central African leaders in strengthening cooperation with the United Nations, he said that the subregion wished to send the message that it wanted to emerge from the “infernal circle of violence and poverty”, but added that this would require substantial support from the international community. Drawing attention to a number of positive developments throughout the subregion since the mission’s visit, he reiterated the determination of the Central African leaders to face up to their responsibilities. At the same time, he underlined that it was imperative to have a subregional, coordinated approach, and for the subregion to have a United Nations interlocutor with a regional perspective.¹⁶

The representative of Equatorial Guinea stressed the special responsibility of the Security Council to address the crises in the region, and also expressed appreciation for the work of the United Nations Standing Advisory Committee on Security Questions in Central Africa. He underlined that despite recent positive developments, the countries of the region remained fragile, and he stressed the need for a permanent political United Nations presence with a subregional scope.¹⁷

The Permanent Observer of the African Union indicated that the diagnosis and remedies recommended in the assessment mission’s report could be applied to all of Africa’s regions, and reiterated the paradox that Central Africa was one of the regions with most resources, while also one of the weakest performers with regard to socio-economic development. Pointing to the abundance of subregional, regional and international organizations present in Central Africa, he stressed the need to strengthen existing capacities, and hoped that a United Nations regional political presence could serve to enhance coordination among the various initiatives. As to what form the structure should take, he stated that the African Union relied on the flexibility shown by the countries in the subregion that were prepared to consider the issue further with the Special Envoy to be appointed by the Secretary-General. While supporting the request by the countries of the subregion, he emphasized that the form of coordination mattered less than its efficiency and effectiveness.¹⁸

The Deputy Secretary-General for Political Affairs of ECCAS, noting that progress was being made toward a collective security mechanism in the subregion, informed the Council that the Council for Peace and Security in Central Africa had become operational. He added that ECCAS was undertaking efforts to improve conflict prevention and management in the subregion, aimed at, inter alia, making the early warning mechanism for Central Africa operational. Noting the recent progress made towards consolidating peace and security in a number of countries in the region, he argued that a new dynamic was under way in Central Africa and reiterated the call for a permanent United Nations regional office.¹⁹

¹³ Ibid., pp. 13-14.

¹⁴ Ibid., p. 14.

¹⁵ Ibid., p. 15.

¹⁶ Ibid., pp. 18-21.

¹⁷ Ibid., pp. 26-27.

¹⁸ Ibid., pp. 27-28.

¹⁹ Ibid., pp. 28-29.

Americas

23. The question concerning Haiti

Decision of 15 March 2000: statement by the President

At its 4112th meeting, on 15 March 2000, the Security Council included in its agenda the report of the Secretary-General on the United Nations Civilian Police Mission in Haiti.¹ In his report, the Secretary-General observed that the transition from the United Nations Civilian Police Mission in Haiti (MIPONUH) to the International Civilian Support Mission in Haiti (MICAHA) was under way, and that MIPONUH was expected to be liquidated by 30 June 2000. MICAHA, established by the General Assembly on 18 February 2000,² was expected to consolidate the results achieved by MIPONUH and the International Civilian Mission in Haiti and previous United Nations missions in terms of respect for human rights, reinforcement of the effectiveness of the police and the judiciary and coordination of the international community's dialogue with political and social actors in Haiti, thus facilitating the passage from security to development priorities. The Secretary-General underlined that institutional, social and economic development must be addressed in an integrated manner in order to consolidate democracy and peace. In this regard, he encouraged Member States to continue to assist the transition process from peacekeeping to peacebuilding and contribute to the Trust Fund established for MICAHA. With regard to the political situation, the Secretary-General observed that the political climate in Haiti had been dominated by pre-electoral activities and that despite many obstacles the evolution of the electoral process was encouraging and conditions seemed to be in place for the holding of presidential and legislative elections on schedule on 19 March 2000. Obstacles had included some electoral violence, logistical problems in the registration process and the blocking of the voter registration process in one province. The Secretary-General observed that all political leaders had an obligation to ensure that their supporters refrained from any violence that could put the holding and fairness of the elections at risk. With

regard to MIPONUH, he noted that the Mission had continued to deploy its civilian police elements throughout Haiti's nine departments and had made great progress in training the Haitian National Police, with an emphasis on community policing, the maintenance of law and order, the fight against capital crime and drug trafficking, and the reinforcement of police administration and logistics. The situation of the Haitian police had improved in the reporting period, as the number of capital crimes against police officers and the number of police officers accused of human rights violations had declined considerably and as several successful operations had been undertaken in the fight against delinquency and drug trafficking. He reported that the Government, the United Nations Development Programme and bilateral donors were collaborating to prepare the assistance to judicial reform in the context of MICAHA.

The Council extended an invitation to the representative of Haiti to participate in the meeting. The President (Bangladesh) made a statement on behalf of the Council,³ by which the Council, *inter alia*:

Commended the Representative of the Secretary-General, the United Nations Civilian Police Mission in Haiti, the International Civilian Mission in Haiti and all the previous missions deployed in Haiti for assisting the Haitian Government in supporting the professionalization of the Haitian National Police force, consolidating the system of justice and other national institutions of Haiti, and promoting human rights.

Commended the Secretary-General for ensuring a phased transition to the International Civilian Support Mission in Haiti, and recognized that economic rehabilitation and reconstruction constituted a major task facing the Government and people of Haiti and that significant international assistance was indispensable for the sustainable development of Haiti.

Welcomed the initiative of the Economic and Social Council to develop a strategic framework and a comprehensive approach for a long-term United Nations programme of support for Haiti, and underlined the vital link between national stability and economic and social development.

³ S/PRST/2000/8.

¹ S/2000/150, submitted pursuant to resolution 1277 (1999).

² Resolution 54/193.

Asia

24. The situation in Timor-Leste¹

Decision of 3 August 2000 (4182nd meeting): statement by the President

On 26 January 2000, the Secretary-General submitted a report on the United Nations Transitional Administration in East Timor (UNTAET),² covering its activities in the three months since its establishment by resolution 1272 (1999) of 25 October 1999. The Secretary-General noted that UNTAET had initiated its operations throughout East Timor, developed consultative mechanisms with East Timorese and established the basic elements of its administrative structure. He further observed that the first three months of the operation of UNTAET had seen strenuous efforts to make progress on a range of important and urgent issues, including security, governance and public administration, humanitarian assistance and public information.

The Secretary-General reported that while United Nations staff had done their best to ensure a smooth transition from the United Nations Mission in East Timor (UNAMET) to UNTAET, a complete vacuum of administrative authority and of policing and justice had ensued. The International Force in East Timor (INTERFET) had to fill the latter, while UNTAET, with minimal staff and functioning in appalling conditions, was not yet able to assume administrative authority effectively. East Timorese leaders had been keen to take charge and tackle the enormous problems. The National Council of Timorese Resistance (CNRT), a coalition of pro-independence groups, and the Armed Forces for the National Liberation of East Timor (FALINTIL) had moved into the authority vacuum and asserted a security role. The situation had improved with the return to East Timor of Mr. José Alexandre Gusmão, the head of CNRT, who had begun to play an effective leadership role. Based on contacts between the Special Representative of the Secretary-General and Transitional Administrator in East Timor, Mr. Gusmão and other East Timorese personalities, the National Consultative Council of East Timor (NCC)

was established as the primary mechanism through which the representatives of the East Timorese people participated in the decision-making process. The Secretary-General noted that the inclusion of pro-autonomy groups in NCC was an important step on the path to reconciliation. With respect to the relations between East Timor and Indonesia, he reported that both the Government of Indonesia and CNRT had shown strong will to establish good relations.

Referring to the security situation in East Timor, the Secretary-General observed that while the arrival of INTERFET had largely normalized the internal security situation, the crime rate had increased, especially in Dili and other urban centres, owing particularly to the large numbers of unemployed and re-emergence of long-standing conflicts within the society. The Secretary-General recalled that following a number of incidents along the border between East Timor and West Timor (East Nusa Tenggara), United Nations military observers had deployed border liaison teams to West Timor for cross-border liaison and confidence-building. He recalled that a joint plan for the hand over from INTERFET to UNTAET had been signed in Dili on 8 January 2000, the transition being scheduled for completion by 28 February.

The Secretary-General also drew attention to the humanitarian situation in East Timor, where a large proportion of the population had been displaced from their homes and the majority of private and public building and essential utilities had been destroyed. An immediate and urgent task was to arrange for the return from West Timor of the estimated 250,000 refugees. Taking into account the urgent humanitarian needs and public services requirements, UNTAET had established the basic elements of an administrative structure and was actively coordinating humanitarian assistance efforts.

Noting that the Transitional Judicial Service Commission had been established on 5 January and that INTERFET subsequently had handed over its functions relating to arrest and detention to the United Nations civilian police and the East Timorese judiciary, he stressed the importance of training and capacity-building in the justice sector.

¹ As from the 4646th meeting, held on 14 November 2002, the item "The situation in East Timor" was revised to read "The situation in Timor-Leste".

² S/2000/53, submitted pursuant to resolution 1272 (1999).

At its 4097th meeting,³ on 3 February 2000, the Council included in its agenda the above-mentioned report of the Secretary-General on UNTAET dated 26 January 2000.² The Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator in East Timor. Statements were made by all Council members.

In his briefing, the Special Representative of the Secretary-General stated that the “devastating violence” of September 1999, following the United Nations-supervised referendum in which the majority of voters had spoken in favour of independence, had resulted in some 750,000 people, out of a population of 880,000, being either internally displaced, fleeing or being forced across the border to West Timor. Most properties had been destroyed and public services interrupted, and in the aftermath of the violence, criminality and disaffection had been growing and local rivalries might be resurfacing. Stressing first and foremost the need to ensure the physical security of all people of East Timor, as well as establishment of law and order, the Special Representative noted the importance of refugee repatriation and making resources available for shelter, health and sanitation needs during their integration. Cautioning that militias in the border areas continued to pose a threat, he assured Council members that the UNTAET peacekeeping force would be just as firm and determined as INTERFET, while regularly assessing the necessary military strength with a view to possible reductions. Noting that crime rates had increased due to widespread unemployment and disruptions in the social and educational systems, he pointed out that only 480 out of the 1,610 mandated United Nations civilian police had been deployed. Therefore, UNTAET was seeking to integrate local participation in police activities to fight crime, including former East Timorese police officers and unarmed former members of the FALINTIL to assist in crime-prevention. In terms of the political future and the related timetable, he deemed it premature to predict when the process of drafting a constitution should begin. On human rights, the Special Representative recalled that the International Commission of Inquiry on East Timor as well as the Indonesian Commission of Inquiry had submitted

³ During this period, in addition to the meetings covered in this section, the Council held a number of meetings in private with the troop-contributing countries to the United Nations Transitional Administration in East Timor (UNTAET) and, subsequently, the United Nations Mission of Support in East Timor (UNMISSET), pursuant to resolution 1353 (2001), annex II, sections A and B. The meetings were held on 25 October 2001 (4397th), 23 January 2002 (4456th), 6 May 2002 (4527th) and 16 May 2003 (4755th).

their reports, and that UNTAET had assumed the lead role in coordinating the investigative process.⁴

Council members stressed the importance of the tasks confronting UNTAET and expressed support for its efforts to establish an administrative structure, coordinate humanitarian efforts and restore basic public services. Several representatives welcomed the establishment of NCC and underlined its role in building local capacity for security and self-governance and fostering local ownership.⁵ Many Council members stressed that, as a decision-making body in which various groups, including pro-autonomy groups, were included, NCC could play an important role in fostering national reconciliation.⁶

Many speakers welcomed the progress made in ensuring a smooth transition from INTERFET to UNTAET and hoped that the transfer would be completed as scheduled. Meanwhile, the representative of Canada held that the operation in East Timor should have been a United Nations peacekeeping operation from the beginning. Had that been the case, the operation would have been structured in a politically more congenial manner and its significant costs would have been more equitably apportioned among States.⁷ Similarly, the representative of China remarked that his Government had always advocated the settlement of the question of East Timor within the framework of the United Nations.⁸

Several representatives expressed concern at the reported activities of pro-integrationist militias in the border areas.⁹ The representative of Namibia hoped that the memorandum between UNTAET, INTERFET and the Indonesian Armed Forces would prevent further incidents or, at least, enable the parties to effectively deal with the situation.¹⁰ While welcoming the improvements in the internal security situation in East Timor, speakers noted with concern the increased crime rate and took note of the interrelations between the rising crime rate and the poor socio-economic situation. In that connection, several

⁴ S/PV.4097, pp. 2-7.

⁵ *Ibid.*, p. 10 (Bangladesh); p. 11 (Canada); p. 12 (Jamaica); and p. 17 (China).

⁶ *Ibid.*, p. 9 (France); p. 12 (Jamaica); p. 13 (Russian Federation); p. 14 (Malaysia, Ukraine); p. 15 (Namibia); and p. 17 (China).

⁷ *Ibid.*, p. 11.

⁸ *Ibid.*, p. 17.

⁹ *Ibid.*, p. 7 (United Kingdom); p. 11 (Canada); p. 13 (Russian Federation); p. 14 (Ukraine); p. 16 (Namibia, Netherlands).

¹⁰ *Ibid.*, p. 16.

representatives called for speedy deployment of United Nations civilian police.¹¹

Many speakers stressed the need to improve conditions for refugees and promote their return to East Timor, including by fostering national reconciliation and improving the socio-economic conditions. Council members also stressed the importance of human rights and welcomed the recent reports issued by the International Commission of Inquiry and the Indonesian Commission of Inquiry into Human Rights Violations in East Timor.

At its 4114th meeting, on 21 March 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by a majority of Council members.¹²

In his briefing, the Assistant Secretary-General drew attention to economic and social and security concerns, reporting that pro-autonomy militias in West Timor had increased incursions into East Timor. According to information available to UNTAET, elements of the Indonesian armed forces continued to tolerate and even support the militias. Some important developments, he noted, included the formal handover of responsibility from INTERFET to the military component of UNTAET; the signing of an agreement between UNTAET and the World Bank concerning a large community empowerment project; and the passing by UNTAET of several pieces of legislation which had been approved by NCC. Despite incidents of violence, the return and reintegration of refugees was generally proceeding smoothly. He believed that flexibility would have to be exercised with regard to the deadline set by the Indonesian authorities for decisions regarding the return of refugees to East Timor or resettlement in Indonesia. He added that the visit by the President of Indonesia to East Timor had had positive results, including the reopening of cross-border trade and the resumption of commercial flights between Indonesia and East Timor. A joint border observation mechanism was in place, he added, in an effort to minimize cross-border incidents.¹³

Council members welcomed the smooth transfer from INTERFET to UNTAET, the improved relations between Indonesia and East Timor occasioned by the visit of the President of Indonesia, and the progress made with respect to the settlement of refugees, rule of law and rehabilitation of the infrastructure. At the same time, they voiced concern regarding the refugee and security situations, and stressed

the need for adequate resources to be made available for the short and long term economic development of East Timor. With respect to independence, the representative of Malaysia stressed the need to proceed cautiously in developing a timetable.¹⁴ The representative of Bangladesh was in favour of identifying specific benchmarks to chart the path to independence and setting a time-frame on that basis.¹⁵

Council members also deplored the increasing criminality and emphasized the need to restore and maintain law and order in East Timor. In that context, the representatives of Jamaica and Bangladesh stressed the need to speed up the deployment of the civilian police component of UNTAET.¹⁶

In addition, Council members expressed serious concern at continued reports of militia activity in East Timor and deplored the recent increase in border incidents. The representative of the United Kingdom stressed the need for UNTAET to press vigorously in Jakarta the matter of possible complicity of the Indonesian military with the militias and for the Council to make it clear that such behaviour was unacceptable.¹⁷ The representative of France questioned the ability of the authorities in Indonesia to effectively curb the activities of the pro-integrationist militias.¹⁸ The representative of the United States believed that the Indonesian Armed Forces had done little to address the recent militia attacks against United Nations personnel and East Timorese civilians and deplored the lack of progress of the Government of Indonesia in disarming and disbanding the militia groups.¹⁹

At its 4133rd meeting, on 27 April 2000, at which the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, statements were made by a majority of the members of the Council.²⁰

The Assistant Secretary-General reported an improvement in the overall security situation and at the border with West Timor. In that regard, he drew attention to the efforts of the Special Representative of the Secretary-General to East Timor, which included the signing on 11 April of a memorandum of understanding on tactical coordination in the border area between the UNTAET Force Commander and the Commander of the Indonesian Armed Forces in West Timor. Noting that about 7,000 refugees had returned to East Timor in the past month, he

¹¹ Ibid., p. 7 (United Kingdom); p. 10 (Bangladesh); p. 12 (Jamaica); and p. 17 (China).

¹² The representatives of Tunisia and Ukraine did not make statements. The representative of Indonesia was invited to participate but did not make a statement.

¹³ S/PV.4114, pp. 2-4 and 14-16.

¹⁴ Ibid., pp. 10-11.

¹⁵ Ibid., p. 14.

¹⁶ Ibid., p. 11 (Jamaica); and p. 13 (Bangladesh).

¹⁷ Ibid., p. 5.

¹⁸ Ibid., p. 6.

¹⁹ Ibid., p. 5.

²⁰ The representative of Canada did not make a statement.

said that the Office of the United Nations High Commissioner for Refugees (UNHCR) had reported improved access to the refugee camps and that the Government of Indonesia had been flexible in its continuation of aid to them. According to the Indonesian authorities about 126,000 refugees remained in West Timor. Furthermore, UNTAET continued to work with local leaders in East Timor to ensure that returning refugees were received peacefully.

The Assistant Secretary-General further stressed that the economic and social conditions remained a primary concern and the people had shown impatience and disappointment when UNTAET seemed unable to respond at a faster pace to those problems. He detailed the Mission's efforts, which included the registration of 1,200 private businesses; the establishment of an investment promotion unit; the establishment of employment offices in Dili and Bacau to provide employment assistance; and quick impact projects scheme for the repair of local infrastructure.

The Assistant Secretary-General also drew attention to the legislative activity of NCC and to the developments in public administration and the judiciary, highlighting the memorandum of understanding concluded on 7 April between the Government of Indonesia and UNTAET concerning cooperation in legal, judicial and human rights matters. He further informed the Council that UNTAET had consulted closely with the East Timorese on the question of benchmarks to be achieved on the path to independence. He added that CNRT had begun advocating the establishment of an army, a change of policy that was very complex and sensitive.²¹

Council members welcomed the improvement in the security situation, as well as the memorandum of understanding of 7 April, which was hailed as a sign of renewed cooperation between the Government of Indonesia and the United Nations. They also expressed concern that so many refugees remained in the camps in West Timor, but were gratified that efforts were being made to ensure that they were able to return safely and peacefully. The representative of the United States, echoed by the representative of the United Kingdom, called on the Government of Indonesia to close down militia training camps, disarm the militia and halt the armed forces' collaboration with them.²²

With respect to the economic and social situation, Council members expressed concern at the expectations and tensions they had engendered, and voiced support for the efforts of UNTAET towards improvement. Regarding the refugees issue, Council members called for an end to

the disinformation being spread in the refugee camps and the creation of favourable conditions for return, including by improving the socio-economic conditions and ensuring that former pro-autonomy advocates could return safely.

Regarding establishing benchmarks for the transition to independence, the representatives of the United States and the United Kingdom cautioned about the need to find the right timing for the independence, while the representative of France held that the issue should be decided in consultation with the people of East Timor.²³

At the 4147th meeting, on 25 May 2000, at which the Council received a briefing by the Assistant Secretary-General for Peacekeeping Operations, statements were made by all Council members.

In his briefing, the Assistant Secretary-General reported considerable progress by UNTAET, particularly in the areas of institution and capacity-building and delivery of Government services. He highlighted improvements in the security situation, which had remained stable, including at the border with West Timor, where militia activity had declined, following steps taken to implement the memorandum of understanding on tactical coordination between the Indonesian Armed Forces and UNTAET. In that regard, he noted that UNTAET had initiated a reduction by some 500 troops in the eastern sector, which he regarded as the calmest area. He announced that the level of troops deployed of 8,396 troops would be reduced by October 2000 to 7,896. However, he expressed concern about law and order, with the crime rate still high. The number of refugees returning to East Timor had declined over the previous month to only 1,000. Meanwhile, UNHCR estimated that some 90,000 refugees remained in West Timor and would perform a census to determine their exact number.

The Assistant Secretary-General stressed that there had been an upturn in political activity, with political parties having opened offices and held meetings in the districts. UNTAET had intensified consultations with the East Timorese on all important policy questions and NCC had met regularly and held a number of public hearings to promote public debate on key policy questions. He emphasized that UNTAET had also continued to promote normalization of relations between Indonesia and East Timor.²⁴

Council members welcomed the work done by UNTAET and the fact that the total number of refugees that had returned to East Timor had reached 161,000. They, nevertheless, expressed concern about the conditions of the

²¹ S/PV.4133, pp. 2-4.

²² *Ibid.*, p. 5 (United States); and p. 7 (United Kingdom).

²³ *Ibid.*, p. 6 (United States); p. 7 (United Kingdom); and p. 8 (France).

²⁴ S/PV.4147, pp. 2-4.

refugees remaining in West Timor and enquired about the reasons preventing their return. The representatives of the United Kingdom and the Netherlands stressed the need to proceed expeditiously with the census to register the remaining refugees.²⁵ The representative of Canada welcomed the decision of the Government of Indonesia to establish a transitional period beyond the deadline for return of refugees and stressed the need for their early and voluntary return or permanent resettlement within Indonesia.²⁶

Several Council members welcomed the improved security situation and the enhanced cooperation between the United Nations and the authorities of Indonesia.²⁷ While welcoming the improvement in the security situation, the representative of Malaysia was alarmed by reports of religious violence and harassment of minorities in East Timor and called on UNTAET to prevent the recurrence of such violence.²⁸ While the representative of France welcomed the decision to begin reducing the troop levels of UNTAET, the representative of the Netherlands stressed that the Council should be given an opportunity to consider the whole military and security situation before the decision to downsize was made.²⁹ Several speakers stressed the need to speed up the deployment of the UNTAET civilian police as well as the training of an indigenous police force.³⁰ The representative of the United States noted that the civilian police in some areas of East Timor were armed and suggested that this practice might be considered throughout the territory.³¹

Council members remained concerned about the socio-economic situation and the financial gaps in international assistance to East Timor. The representative of China remarked that unemployment was the most pressing issue, having the potential to create security problems. He therefore called on UNTAET to create more employment opportunities and to allow the local population to participate more in administrative matters.³²

On the issue of independence, the representative of the United Kingdom reiterated the need to ensure that East Timor would have adequate capacity to cope with independence in the areas of governance, governmental services, security and democratic institutions, among

others.³³ The representative of Argentina wondered about the future of FALINTIL in connection with the establishment of armed forces for a future independent state.³⁴ The representative of the Netherlands recalled that concerns had been voiced about the involvement of the United Nations in the establishment of a military force in East Timor, and looked forward to receiving the independent experts' study under preparation on that issue. He argued that United Nations involvement would give the international community an opportunity to ensure that the armed forces of East Timor were up to international standards of civilian control, democratic accountability and human rights.³⁵ Welcoming efforts to map out an exit strategy, the representative of the United Kingdom stressed the need to develop timelines for the implementation of the tasks mandated to UNTAET.³⁶

Responding to comments, the Assistant Secretary-General stated that the security situation was linked to the high level of unemployment and the degree of social dislocation since the events of September 1999. Elaborating on the initial reduction of the military component of UNTAET by some 500 troops by October 2000 from the eastern sector, he announced that if the security situation remained stable, there could be a total reduction of 50 per cent of the troops in that sector by April 2001 and a further reduction by the summer of 2001. UNTAET would continue to review the situation and propose further reductions in other sectors depending on the security situation.³⁷

At its 4165th meeting, on 27 June 2000, the Council was briefed by the Special Representative of the Secretary-General for East Timor. In addition to all Council members, the representatives of Australia, Brazil, Indonesia, Japan, New Zealand, Norway, Portugal (on behalf of the European Union³⁸) and the Republic of Korea made statements.

In his briefing, the Special Representative of the Secretary-General stressed the uniqueness, magnitude and complexity of the governance mandate given to UNTAET, who had encountered a number of challenges in meeting the high expectations of the people of East Timor. He further elaborated on challenges on the ground, such as ensuring security during the transition period and facilitating the establishment of the needed mechanism to

²⁵ Ibid., p. 4 (United Kingdom); and p. 11 (Netherlands).

²⁶ Ibid., p. 8.

²⁷ Ibid., p. 6 (United States); p. 9 (Bangladesh, Argentina); p. 10 (Malaysia); and p. 15 (Ukraine).

²⁸ Ibid., p. 10.

²⁹ Ibid., p. 7 (France); and p. 12 (Netherlands).

³⁰ Ibid., p. 8 (France); p. 13 (Jamaica); and p. 15 (Mali).

³¹ Ibid., p. 7.

³² Ibid., p. 16.

³³ Ibid., p. 5.

³⁴ Ibid., p. 10.

³⁵ Ibid., p. 12.

³⁶ Ibid., p. 5.

³⁷ Ibid., pp. 16-19.

³⁸ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

maintain security after independence; remedying the poverty of refugees in West Timor and helping them to repatriate in a free and orderly fashion; establishing a judiciary system that respected basic human rights and could maintain law and order; reconstructing the public services; establishing a financially viable administration by the Timorese; and ensuring political transition to independence, by the adoption of a Constitution and fully democratic elections. He indicated that, based on discussion with local political leaders, elections with regard to the future of East Timor would be held between 30 August and the beginning of December 2001.

Noting that the broader humanitarian question was the area in which the most progress had been made, the Special Representative elaborated on the justice system and related problems, the needs associated with reconstruction and the establishment of an East Timorese administration. He announced that efforts were made to establish a national reconciliation commission and that an independent study had been commissioned to assess the security needs of East Timor. Furthermore, he declared that capacity-building efforts were focusing on establishing a functioning educational system as well as a human resources development centre.

On the issue of slow disbursement of funds, he stated that there was no government procurement capacity in Dili and noted that the consolidated budget for 2000-2001 had been approved in Lisbon the previous week. He declared that the implementation of employment programmes would begin shortly and believed that recruitments into the new civil service would provide employment. He further announced that the reduction in the military capacity of UNTAET would take place gradually, the civilian police being scheduled to take over the maintenance of public order.³⁹

Speakers welcomed the positive developments reported by the Special Representative and the progress made as UNTAET shifted from emergency needs to longer-term programmes. They paid tribute to UNTAET for its progress in building the infrastructure and developing institutional capabilities. However, they remained concerned at the socio-economic situation and called for greater flexibility and measures to overcome the barriers to disbursements and improve cooperation among the main agencies operating in East Timor. They expressed particular satisfaction regarding the proposals for power sharing between the East Timorese leaders and UNTAET, and the recent donors conference in Lisbon, which had approved the World Bank and UNTAET Trust Fund work programmes for 2000-2001.

³⁹ S/PV.4165, pp. 2-7 and 32-35.

Representatives also expressed their concern regarding the security situation which had deteriorated recently, reversing a trend of gradual improvement. Several representatives deplored the recent suspension of UNHCR activities in three refugee camps in the Kupang area because of increasing militia violence and intimidation.⁴⁰ Reiterating his Government's commitment to security, the representative of Indonesia highlighted the frustration experienced by the refugees and the complexity of the tasks confronting Indonesia.⁴¹ Speakers also condemned in the strongest terms the recent militia attack on an UNTAET outpost in which one peacekeeper was injured.

Despite recent security incidents, the representatives of the United States and Australia noted an improvement in the security situation and expressed support for a gradual but steady decrease of UNTAET forces in the eastern sector.⁴² The representative of the United States urged that the process be implemented early and transparently, with built-in surge capacity to take into account the possibility of a resurgence of violence by the militias.⁴³ The representatives of the United Kingdom and the Netherlands held that any downsizing of UNTAET must take account of the continuing risks posed by militias.⁴⁴ The representative of Canada, echoed by the representative of the Netherlands, requested that the Council be briefed on the security situation in East Timor before final decisions were taken on downsizing the military component of UNTAET.⁴⁵ The representative of France remarked that the abrupt departure of UNTAET at the end of its mandate could be a major destabilizing factor for the newly independent country and stressed the need to plan and organize a downsizing of the force over time.⁴⁶

Many speakers were pleased about the broadening of participation in NCC with the inclusion of women, youth representatives and others. Several representatives highlighted the need for improved protection of ethnic minorities.⁴⁷ A number of representatives supported the "Timorization" of the transitional administration, and stressed that it was essential to involve the East Timorese,

⁴⁰ *Ibid.*, p. 9 (Canada); p. 11 (Netherlands); p. 13 (Malaysia); p. 15 (Namibia); p. 16 (Russian Federation); p. 17 (Jamaica); p. 19 (Argentina, Tunisia); p. 20 (Mali); p. 24 (Portugal on behalf of the European Union); p. 29 (Australia); and p. 31 (New Zealand).

⁴¹ *Ibid.*, pp. 25-26.

⁴² *Ibid.*, pp. 7-8 (United States); and p. 29 (Australia).

⁴³ *Ibid.*, pp. 7-8.

⁴⁴ *Ibid.*, p. 10 (United Kingdom); and p. 12 (Netherlands).

⁴⁵ *Ibid.*, p. 9 (Canada); and p. 12 (Netherlands).

⁴⁶ *Ibid.*, p. 21.

⁴⁷ *Ibid.*, p. 14 (China); p. 16 (Bangladesh); and p. 17 (Jamaica).

in a broad representative manner, including women and youth, in the policymaking and administrative structure at a higher level during the transition period.⁴⁸

Many speakers expressed serious concern at the refugee situation and the security situation along the border with West Timor and called for further progress on the return of refugees and on promoting resettlement within Indonesia of those not wishing to return to East Timor. Speaking on behalf of the European Union, the representative of Portugal called on Indonesia to honour its commitment to assist those who wished to return and urged the immediate removal from the refugee camps of the military and the militia, the isolation of all militia leadership and assurances that those who obstructed repatriation operations would be held accountable.⁴⁹ Stressing the importance of national reconciliation to facilitate return and resettlement of refugees, several speakers welcomed the establishment of a national reconciliation commission.⁵⁰

The representative of the United Kingdom expressed support for the engagement by UNTAET on East Timorese strategic defence options and on the status of FALINTIL and looked forward to the outcome of an independent study on the subject, set to begin on 7 July. Supported by the representative of the Netherlands, he encouraged UNTAET to address the immediate humanitarian needs of FALINTIL.⁵¹ The representative of the Netherlands suggested the absorption of FALINTIL in a self-defence force as a way to prevent their frustration from aggravating.⁵¹ Considering the future security sector in East Timor, several speakers welcomed the increased deployment of United Nations police and training a local East Timorese police force.⁵²

Referring to a possible timetable for the transition, the representative of the United States expressed support for the timetable proposed at the donors' conference in Lisbon and stressed the importance of setting the date publicly, clearly and early. He further pointed out the need to continue transition activities and assistance to the people of East Timor after the elections, while noting that the United Nations should not prolong unnecessarily its role as "a governing power".⁵³ The representative of the

Netherlands wondered if independence would have to follow immediately after the holding of elections, while the representative of Malaysia stressed that independence should come only when the people of East Timor were ready and able to assume full responsibility.⁵⁴ The representative of Japan warned against setting the benchmarks for independence unrealistically high as nation-building was a long and slow process.⁵⁵ The representative of Australia stressed the importance of considering an exit strategy for UNTAET, including realistic benchmarks for East Timor to be able to function effectively as an independent State.⁵⁶

On 26 July 2000, the Secretary-General submitted a report on UNTAET,⁵⁷ by which he announced that, to facilitate broader participation in policy-making, the 15-member NCC was replaced with the National Council, composed of 33 East Timorese nationals, appointed by the Transitional Administrator. UNTAET had reorganized itself into eight portfolios to resemble more closely the future government and to increase the direct participation of the Timorese. Referring to the political activity in East Timor, the Secretary-General highlighted a number of disturbing cases of intimidation against groups not under the CNRT umbrella, as well as against ethnic and religious minorities. He added that the normalization of relations with Indonesia had progressed well, through a number of bilateral visits as well as the signing of the memorandum of understanding on legal, judicial and human rights matters. On the issue of refugees, he reported that an estimated 85,000 to 120,000 refugees remained in camps in West Timor, where militias opposed to independence continued to exercise influence in the camps and impede the efforts of UNHCR by intimidation and violence. The Secretary-General also detailed the efforts made to establish governance and public administration structures, providing an assessment of the civil service, public finance, economy, infrastructure, education, health, law and order, and civilian staffing. He indicated that the security situation had been generally stable. Meanwhile, FALINTIL remained cantoned under very difficult living conditions and was increasingly concerned at its current and future role in East Timor. While originally it had not been envisaged that East Timor would have armed forces, the Secretary-General reported that CNRT had changed its position and was advocating a national security force, initially based on members of FALINTIL. Such a force was seen by CNRT leaders as a necessary element in the transition to independence.

⁴⁸ Ibid., pp. 10-11 (United Kingdom); p. 12 (Malaysia); p. 22 (Japan); p. 24 (Portugal on behalf of the European Union); and p. 27 (Brazil).

⁴⁹ Ibid., p. 24.

⁵⁰ Ibid., p. 13 (Malaysia); p. 14 (Namibia); p. 16 (Bangladesh); and p. 17 (Jamaica).

⁵¹ Ibid., p. 11 (United Kingdom, Netherlands).

⁵² Ibid., p. 8 (United States); p. 18 (Ukraine); p. 21 (France); and pp. 24-25 (Portugal).

⁵³ Ibid., p. 8.

⁵⁴ Ibid., p. 12 (Netherlands); and p. 13 (Malaysia).

⁵⁵ Ibid., p. 22.

⁵⁶ Ibid., p. 28.

⁵⁷ S/2000/738, submitted pursuant to resolution 1272 (1999).

At its 4180th meeting, on 28 July 2000, the Council included in its agenda the above-mentioned report of the Secretary-General.⁵⁷ The Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members and the representatives of Australia, Indonesia, Japan, New Zealand and Portugal.

In his briefing, the Assistant Secretary-General noted that the humanitarian emergency had been largely overcome and that the focus had shifted to reconstruction and rehabilitation. The sharing of political decision-making had been extended through the creation of a transitional cabinet, enabling the Timorese to assume government responsibilities for the first time, and through the replacement of NCC by the National Council, broadening participation in the legislative consultation. He added that the CNRT conference scheduled for August would significantly advance the debate on the key issues of the new constitution and the timetable for political elections. He noted that while relations with the Government of Indonesia had advanced considerably, there were a number of key outstanding issues, including the situation of the refugees in West Timor, which required urgent action. In particular, the Government of Indonesia should be encouraged to ensure that the militia influence in the refugee camps and activities in the border area were brought to an immediate end. While taking note of the stable security situation throughout the rest of the country, he deplored that violent incidents and incursions continued to take place across the border. Moreover, a worrisome increase in thefts and violent crime had occurred, prompting a decision to make side arms available to the United Nations civilian police. As for the future defence requirements for East Timor, the Assistant Secretary-General noted that the study by King's College, London, had yet to be completed, but that it was assumed that the FALINTIL would be at the core of a new defence force, which would require significant international aid and training.⁵⁸

Speakers paid tribute to the progress made by UNTAET in building the administration of East Timor with the increased involvement of the Timorese people, as embodied in the establishment of a cabinet and the replacement of NCC by the National Council. They expressed dismay at the continuing cross-border incursions by militias in West Timor, which had culminated earlier that week in the murder of a New Zealand peacekeeper and urged that the perpetrators be brought to justice. Noting with concern that violent acts and intimidation by the militias had forced UNHCR to postpone its efforts to register and repatriate the refugees in West Timor, they called on the Government of Indonesia to redouble its

efforts to cooperate with UNTAET on the problem of cross-border incursions and to disarm and disband the militias. A number of representatives underlined the importance of an inclusive political debate in East Timor and expressed concern about recent signs of intolerance and incidents of harassment of minorities.⁵⁹

Speakers also reiterated their concerns regarding the situation of the refugees, the slow rate of return and the continued activities of pro-integrationist militias in the refugee camps in West Timor, as well as in the border region. Many speakers appealed to the Government of Indonesia to step up its efforts in accordance with previous agreements to ensure security in West Timor, including in the camps, and to disarm and disband the militias.⁶⁰ Several representatives emphasized the importance of improved security in West Timor for the return process as well as for the ability of UNHCR to complete the registration of refugees, which would allow for the identification of those who wished to return and those who would be resettled elsewhere in Indonesia.⁶¹ The representative of the United Kingdom recalled that UNHCR had set a deadline of 31 October for the Government of Indonesia to restore law and order in and around the camps and noted his expectations that the deadline would be met.⁶² Meanwhile, the representative of the United States stated that Indonesia had abrogated its responsibility to maintain law and order in West Timor and urged Jakarta to live up to its commitments, respect international agreements and pave the way for friendly relations with the future State.⁶³

The representatives of the United States and the Netherlands also expressed serious concern at the continuing violence in Moluccas, which had resulted in a humanitarian situation which had affected hundreds of thousands of people, and urged the Government of Indonesia to take steps to address the issue, restore law and order and allow unimpeded access for humanitarian aid workers.⁶⁴

Noting an improvement in the security situation, the representatives of Namibia and the United States welcomed the decision to begin a gradual downsizing in the troop

⁵⁹ Ibid., p. 4 (Bangladesh); p. 16 (Mali); and p. 17 (Jamaica).

⁶⁰ Ibid., p. 5 (Bangladesh); p. 10 (Canada); p. 12 (United States); p. 14 (Netherlands); p. 17 (Mali); p. 19 (New Zealand); p. 20 (Australia); and p. 21 (Japan).

⁶¹ Ibid., p. 6 (United Kingdom); p. 16 (Ukraine); p. 17 (Jamaica); and p. 20 (Australia).

⁶² Ibid., p. 6.

⁶³ Ibid., pp. 12-13.

⁶⁴ Ibid., p. 13 (United States); and p. 15 (Netherlands).

⁵⁸ S/PV.4180 and Corr.1, pp. 2-4.

level of UNTAET in the eastern sector.⁶⁵ Meanwhile, the representatives of Argentina and the Netherlands argued that, in view of the death of a peacekeeper, the question of troop reductions from the eastern sector should be considered very carefully.⁶⁶ The representative of Ukraine called for the Council to be given an opportunity to consider the whole military and security situation in East Timor, and to receive a special briefing on the issue.⁶⁷

On the future defence needs of East Timor, the representatives of Namibia and the Netherlands welcomed that FALINTIL would be at the core of a new defence force.⁶⁸ The representative of the Netherlands pointed out that the establishment of East Timorese armed forces could help improve the security situation and provide a horizon for the international presence there.⁶⁹

Regarding the transition to independence, several members expressed their support for the benchmarks contained in the Secretary-General's report.⁷⁰ The representative of Bangladesh stressed the need for consultations with the national leadership and regular feedback to the Security Council on those benchmarks.⁷¹ The representative of France held that the timetable for drawing up a constitution and preparing for elections could be shortened to allow United Nations assistance to take the form of traditional development aid.⁷² On the other hand, the representative of the Netherlands emphasized the need for the process of handing over responsibilities to the people of East Timor to correspond to the emergence of local capacities. He added that since elections would most likely be for a constituent assembly, which would debate and adopt a constitution, independence would not follow directly after the elections.⁷³

The representative of Indonesia drew attention to the satisfactory level of cooperation that had developed between his Government and UNTAET, as well as to efforts made to establish friendly and mutually beneficial relations between Indonesia and East Timor. He added that the authorities in Indonesia continued to assist in bringing the perpetrators of human rights violations to justice. Noting that the international community had a collective responsibility for the refugees, he stressed the need for

international assistance to address the concerns of the refugees.⁷⁴

At its 4182nd meeting, on 3 August 2000, the Council continued its consideration of the report of the Secretary-General on UNTAET.⁷⁵ At the same meeting, the President (Malaysia) made a statement on behalf of the Council,⁷⁶ by which the Council, *inter alia*:

Strongly supported the steps taken by UNTAET to strengthen the participation of the East Timorese people in the administration of their territory, in particular the establishment of the National Council that would set out the basis for the adoption of a constitution and hold democratic elections;

Condemned the murder on 24 July of a New Zealand soldier serving with UNTAET and expressed its sympathy to the Government and to the family of the peacekeeper;

Requested the Secretary-General to inform the Council on the outcome of his investigation into the incident;

Expressed serious concern at the continuing presence of large numbers of refugees from East Timor in camps in West Timor;

Also expressed particular concern at the level of intimidation of UNHCR staff by militias present in the camps;

Demanded that all parties respect the safety and security of refugees and international humanitarian personnel;

Acknowledged the cooperation made by the Government of Indonesia, manifested in the signing of important agreements, however, regretted that serious problems persisted in their implementation;

Took note of the Secretary-General's intention to reduce the size of the UNTAET military component in the eastern sector of East Timor to 500 by the end of January 2001 in the light of the situation on the ground;

Requested the Secretary-General to present in his next regular report detailed plans on the transition to independence for East Timor.

Decision of 8 September 2000 (4195th meeting): resolution 1319 (2000)

At its 4191st meeting, on 29 August 2000, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members and the representatives of Australia, Brazil, Indonesia, New Zealand and Norway.

In his briefing, the Assistant Secretary-General stated that militia groups had continued a pattern of violence, marked by an unprecedented degree of coordination and preparation, against the civilian population and UNTAET. A number of violent incidents had occurred, culminating in the death of a Nepalese peacekeeper and the wounding of

⁶⁵ Ibid., p. 8 (Namibia); and p. 12 (United States).

⁶⁶ Ibid., p. 7 (Argentina); and p. 14 (Netherlands).

⁶⁷ Ibid., p. 16.

⁶⁸ Ibid., p. 8 (Namibia); and p. 14 (Netherlands).

⁶⁹ Ibid., p. 14.

⁷⁰ Ibid., p. 5 (Bangladesh); p. 12 (United States); pp. 14-15 (Netherlands); and p. 18 (Jamaica).

⁷¹ Ibid., p. 5.

⁷² Ibid., p. 14.

⁷³ Ibid., pp. 14-15.

⁷⁴ Ibid., pp. 21-23.

⁷⁵ S/2000/738.

⁷⁶ S/PRST/2000/26.

three others on 10 August. UNTAET had taken action to respond to the threat posed by the militia and had decided to delay implementation of the plan to downsize troops in Sector East. He added that UNTAET and the East Timorese leadership were closely studying the report on security force options and security sector reform for East Timor prepared by the King's College team. Noting that the situation of refugees in West Timor had deteriorated owing to militia activity in the camps and large parts of the border areas, he announced that the Special Representative of the Secretary-General had urged the Government of Indonesia to cooperate with the United Nations to address the situation and ensure the voluntary repatriation of the refugees within a period of three to six months. On the issue of governance and public administration, he noted that the East Timor Transitional Administration was well under way and that preparations for the establishment of the National Council were also well advanced. Since 1 July, he declared, the East Timor consolidated budget had been administered and executed separately from that of UNTAET.⁷⁷

Council members recalled the popular consultation process in 1999 by which the people of East Timor had overwhelmingly voted for independence, and the intervention by the international community that had followed the breakdown of law and order. In that connection, they stressed the significance of the first anniversary of the popular consultation on 30 August 2000 in the progress towards the independence of East Timor, and expressed concern at the deteriorating security situation as reported by the Assistant Secretary-General.

Speakers also condemned the upsurge in militia activity, referring to the death of the Nepalese peacekeeper, as well as the attack of 22 August on UNHCR personnel at a refugee camp in West Timor. Several representatives called on the Government of Indonesia to fulfil its obligation to bring the situation under control and disarm and disband the militia. They further stressed the need to separate former militias from genuine refugees in West Timor in preparation for the closure of the refugee camps, as announced by the Government.⁷⁸ Urging the Council to show determination and commitment, the representative of the United Kingdom stood ready to bring forward formal Council action to ensure that the militia violence did not jeopardize the work of UNTAET.⁷⁹

Several speakers reiterated their dissatisfaction with the situation in the refugee camps in West Timor, the security conditions in those camps as well as the halt in

⁷⁷ S/PV.4191, pp. 2-6.

⁷⁸ Ibid., p. 7 (United Kingdom); p. 12 (Jamaica); p. 19 (Australia); and p. 21 (Brazil).

⁷⁹ Ibid., pp. 7-8.

further returns to East Timor in large part due to militia activities.⁸⁰ The representative of France, speaking on behalf of the European Union,⁸¹ urged the Government of Indonesia to fulfil its commitments to help those refugees who wished to be repatriated and to put an end to the campaigns of disinformation and intimidation.⁸² While describing the closure of refugee camps in West Timor as a step in the right direction, the representative of Australia said it was vital for repatriation to take place on a strictly voluntary basis. She further urged the Government and armed forces of Indonesia to redouble their efforts to disarm, disband and arrest militias operating from West Timor, to remove them from refugee camps and to bring to justice those responsible for human rights violations.⁸³ In pursuit of a "zero tolerance" policy towards the militia, the representative of Brazil held that the military component of UNTAET must be given the means to counter the threat posed by them.⁸⁴

Several speakers welcomed the recent initiative by Indonesia to resettle East Timorese refugees still inside West Timor,⁸⁵ while some called for concrete steps towards the implementation of that plan, including improvement of the security situation and completion of the registration process to separate former combatants from the refugees.⁸⁶ The representative of the Netherlands wondered if the plan for the repatriation and resettlement of refugees put forward by the Government of Indonesia was realistic, while the representative of the United States called for a "workable plan".⁸⁷

In view of the deterioration in the security situation, the representative of the United Kingdom welcomed the decision to suspend the downsizing of the military component of UNTAET.⁸⁸ On a future defence force, the representative of Malaysia underlined that an independent East Timor must be able to defend itself and welcomed that FALINTIL, upon receipt of indications that it would be at

⁸⁰ Ibid., p. 6 (United States); p. 7 (United Kingdom); p. 8 (Bangladesh); p. 9 (Netherlands); p. 11 (Namibia); p. 13 (Canada); p. 15 (Tunisia, Ukraine); p. 16 (Malaysia); and p. 17 (France).

⁸¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁸² S/PV.4191, p. 17.

⁸³ Ibid., p. 19.

⁸⁴ Ibid., pp. 20-21.

⁸⁵ Ibid., p. 7 (United Kingdom); p. 8 (Bangladesh); and p. 10 (Russian Federation).

⁸⁶ Ibid., p. 7 (United Kingdom); p. 8 (Bangladesh); p. 13 (Canada); p. 16 (Malaysia); and p. 17 (France).

⁸⁷ Ibid., p. 6 (United States); and p. 9 (Netherlands).

⁸⁸ Ibid., p. 7.

the core of a new defence force, had joined UNTAET in security operations along the border.⁸⁹

In response to allegations that support was being rendered to the militias by the Indonesian armed forces, the representative of Indonesia condemned all acts of violence and deplored the rejection by UNTAET of the military confidence-building measures proposed by his Government. While Indonesian armed forces had always barred militia from crossing the border to East Timor, he stated, reconciliation between and among the East Timorese had yet to be brought about. Pointing to the economic and financial consequences of the continued existence of refugee camps for the local population in West Timor, he reiterated his Government's plan of action to close the camps and relocate the refugees to transit camps in East and West Timor. Stressing that the decision by each refugee would be voluntary, he underlined that the decision of "each and every individual refugee" was to be respected, acknowledging the role of the United Nations in the registration process.⁹⁰

At the 4195th meeting,⁹¹ on 8 September 2000, the President (Mali) drew attention to a draft resolution;⁹² it was adopted unanimously and without debate as resolution 1319 (2000), by which the Council, inter alia:

Insisted that the Government of Indonesia take immediate additional steps, in fulfilment of its responsibilities, to disarm and disband the militia immediately, restore law and order in the affected areas in West Timor, ensure safety and security in the refugee camps and for humanitarian workers, and prevent cross-border incursions into East Timor;

Stressed that those responsible for the attacks on international personnel in West and East Timor must be brought to justice;

Called on the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees who chose to go back to East Timor, and stressed the need for parallel programmes to resettle individuals who chose not to return;

Stressed that UNHCR workers could not return to West Timor until there was a credible security guarantee, including real progress towards disarming and disbanding the militias;

Underlined that UNTAET should respond robustly to the militia threat in East Timor, consistent with its resolution 1272 (1999) of 22 October 1999.

Decision of 6 December 2000 (4244th meeting): statement by the President

At its 4203rd meeting,⁹³ on 29 September 2000, the Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator for East Timor. Statements were made by all Council members, as well as the representatives of Australia, Brazil, Indonesia, Japan, Mozambique and New Zealand.

The Special Representative of the Secretary-General reported on two opposing developments since his previous briefing to the Council: on the one hand the alarming deterioration of the security situation in West Timor, highlighted by the killing of three UNHCR staff members on 6 September; and, on the other, the significant progress made by UNTAET in administering East Timor in partnership with the East Timorese. He emphasized that the continuation and success of the latter was to a large extent dependent on addressing the former.

He stated that the many challenges facing East Timor and UNTAET could not be met successfully without tackling the root cause of the problem at hand, namely the militia. He stressed that it was the responsibility of the Government of Indonesia to "hunt down and break up the militias and bring their leaders to justice". However, referring to the disarmament ceremony in Atambua on 24 September, he noted with regret that the Government had so far been unable to deal with the problem effectively. He encouraged the Council to address the security situation in West Timor as a matter of urgency, reiterating his appeal for the dispatch of a Council mission to East Timor and Indonesia as a sign of encouragement and support for the East Timorese and UNTAET.

⁸⁹ Ibid., p. 16.

⁹⁰ Ibid., pp. 22-24.

⁹¹ The Council acknowledged the presence of the East Timorese leaders Mr. Xanana Gusmão and Mr. José Ramos-Horta in the Council Chamber.

⁹² S/2000/853.

⁹³ At its 4198th meeting, held in private on 19 September 2000, the Council was briefed by the Special Envoy of the Government of Indonesia, the Coordinating Minister for Political, Social and Security Affairs. Council members and the Special Envoy had a frank and constructive discussion on the need for early and full implementation of resolution 1319 (2000).

Welcoming the political dialogue between East and West Timor, the Special Representative emphasized that all parties concerned should, as a prerequisite, renounce politically motivated violence and condemn the recent murders of United Nations staff members. He repudiated attempts to characterize the problem as a civil war between the East Timorese, adding that there had been no crossing by armed elements from East Timor into West Timor, and that the threat stemmed from militias acting with impunity in the west and launching armed interventions across the border. Commenting on political developments in East Timor, he cited the recent CNRT Congress as an example of open political party activity which could, in turn, lead to the commencement of party politics proper. With that in mind, he stated that UNTAET remained committed to holding national elections in the latter half of 2001 with a view to establishing a Constituent Assembly. Drawing attention to administrative steps taken by UNTAET, he reported that the Cabinet had agreed to establish a defence force for East Timor, which would be a contributing factor to the creation of a stable and effective administration. He emphasized the need for East Timor to maintain “relations of confidence and partnership” with Indonesia. He also noted that a communiqué had been issued as a result of a visit by the Prime Minister of Indonesia to Dili on 29 February, and an encompassing agreement had been signed in Denpasar on 14 September, providing, among others, for the establishment of a Joint Border Committee and a framework for the exploitation of natural resources. With respect to a contingency plan for a possible influx of refugees from West Timor, he reported that as many as 100,000 refugees could be received in East Timor owing to joint efforts by UNTAET and international humanitarian organizations.⁹⁴

Speakers commended the Special Representative and his team for their continuing work in East Timor and reaffirmed their outrage at the murders of three UNHCR workers and two peacekeepers. They also agreed that the main threat to the efforts of UNTAET derived from the lack of progress in the Government’s efforts to disarm and disband the militia. Speakers also commended the progress made in the institutional and administrative spheres and the emphasis put by UNTAET on consultation, local ownership and reconciliation.

Expressing concern for the fate of the refugees in West Timor in the light of the withdrawal by UNHCR, several speakers shared the view of the Special

Representative that the comprehensive plan of action could not succeed until the militia holding the refugees through threat and misinformation were removed, and called on the Government of Indonesia to extend its full cooperation to UNTAET.⁹⁵ The representative of the Russian Federation expressed concern at new reports of 26 September regarding militia armed with automatic weapons and wearing Indonesian uniforms. His delegation, he stated, would like to receive reliable information from the Secretariat concerning the weapons hand over process, including information on the assessments on which that information was based.⁹⁶ Speaking on behalf of the European Union, the representative of France reiterated the request made by the Council members on 3 August 2000 for a special information meeting on the military situation in all its aspects.⁹⁷

Many speakers stressed the need for the Government of Indonesia to effectively implement resolution 1319 (2000), including by disbanding and disarming the militias. A number of representatives welcomed efforts to implement the resolution, including the launch of a disarmament process,⁹⁸ while others expressed regret that steps towards its implementation had been unsuccessful.⁹⁹ Several representatives reiterated the importance of a Council mission visiting the region as soon as possible to verify the implementation of resolution 1319 (2000).¹⁰⁰ While welcoming the operation launched to disarm the militias, the representative of Canada lamented that there had been no official contradiction of suggestions made by members of the Government of Indonesia that the recent murders had been committed by foreign agents or were inevitable due to the presence of the refugees. He

⁹⁵ Ibid., p. 6 (United States); p. 7 (United Kingdom); p. 9 (Bangladesh); p. 11 (Netherlands); p. 16 (Ukraine, Jamaica); and p. 19 (Japan).

⁹⁶ Ibid., p. 12.

⁹⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁹⁸ S/PV.4203, p. 9 (Bangladesh); p. 12 (Russian Federation); p. 14 (Tunisia); p. 16 (Ukraine); p. 19 (France); p. 20 (Japan); p. 22 (Mozambique); and p. 23 (Australia).

⁹⁹ Ibid., p. 10 (Argentina); p. 12 (Russian Federation); and p. 16 (Jamaica).

¹⁰⁰ Ibid., p. 8 (United Kingdom); p. 9 (Bangladesh); p. 10 (Argentina); p. 16 (Ukraine, Jamaica); p. 19 (France on behalf of the European Union); p. 20 (Japan); and p. 22 (New Zealand).

⁹⁴ S/PV.4203, pp. 2-6 and 27-30.

therefore called for neutral international monitoring of the disarmament process.¹⁰¹

The representative of Malaysia noted that, owing to the precarious security situation, the earlier plan to downsize UNTAET should be considered with circumspection. He further welcomed the recent decision by the transitional Cabinet to support the establishment of a national defence force.¹⁰² Touching on the issue of the future defence needs of an independent East Timor, the representatives of Namibia and the Netherlands argued that the increased militia activity demonstrated the urgency of the establishment of an East Timorese national defence force.¹⁰³ The representative of the United Kingdom noted that preparatory work should begin on proposals made in that regard in the recent King's College study.¹⁰⁴

The representative of Indonesia reiterated his Government's commitment to and support for progress in East Timor and deplored the recent killing of UNHCR staff in the Atambua refugee camp. Stressing the need for a comprehensive solution to the problem of the refugees, he called for bold action on four main issues: (1) an investigation into the Atambua incident in order to bring the perpetrators to justice; (2) disarming of the militias; (3) reaching a comprehensive solution to the refugee problem; and (4) promoting reconciliation among the people of East Timor. As for the first point, he noted that investigations were under way and that a suspect had been arrested. As for disarmament of the militias, the representative recalled that his Government had launched a two-step approach, consisting of a process of voluntary handover, followed by a sweeping operation, which had commenced a few days ago. Detailing the number and kinds of weapons and ammunition collected during the handover phase, he noted that any shortcomings of the process should not detract from the large quantity of weapons which had been surrendered. Turning to the issue of refugees, the representative said that their presence was becoming more of a financial burden with each day passing and urged the international community to assist in alleviating the plight of the refugees. He underscored the urgent need for reconciliation of the people of East Timor and expressed the hope that UNTAET would promote an all-inclusive reconciliation process. In that context, he stated that while calls for disarmament were, justifiably,

made to the pro-integration side, they should be equally applicable to FALINTIL if a process of genuine reconciliation were to begin.¹⁰⁵

At its 4236th meeting,¹⁰⁶ on 28 November 2000, at which all Council members made statements, the Council was briefed by the Special Representative of the Secretary-General and Transitional Administrator for East Timor.

The President (Netherlands) drew attention to the report of the Security Council mission to East Timor and Indonesia¹⁰⁷ and to a letter dated 27 November 2000 from the representative of Indonesia, containing his Government's response to the Council mission.¹⁰⁸

The Special Representative of the Secretary-General noted that the repatriation of 410 refugees made up of predominantly former militarized civil defence elements had successfully occurred the week before. He welcomed the recommendation contained in the Security Council mission's report that consideration be given to increased flexibility in the use of assessed resources for missions such as UNTAET. On the justice sector, he declared that a comprehensive strategy had been developed to investigate serious crimes and complete the investigations of all documented cases by December 2001. He underlined the need for Indonesia to begin trials as soon as possible. Referring to the state of the infrastructure, he stressed that the extent of the destruction in East Timor meant that reconstruction would remain an urgent need well beyond independence. He also asked the Council to favour allowing UNTAET assets to remain in East Timor after the end of the

¹⁰⁵ *Ibid.*, pp. 24-26.

¹⁰⁶ At its 4206th meeting, held in private on 12 October 2000, the Council was briefed by the Minister for Foreign Affairs of Indonesia. Council members and the Minister recalled the letter of the Security Council President to the Secretary-General of 8 September 2000, setting out their agreement to dispatch a mission to Indonesia and East Timor; and welcomed the invitation by the Government of Indonesia to a mission to Indonesia in the week of 13 November 2000. At its 4228th meeting, held in private on 20 November 2000, the Council was briefed by the representative of Namibia and Head of the Council mission to East Timor and Indonesia, who introduced the mission's report (S/2000/1105). Representatives of the troop-contributing countries to UNTAET were invited to be present at the meeting. Council members had a preliminary discussion of the report.

¹⁰⁷ S/2000/1105.

¹⁰⁸ S/2000/1125.

¹⁰¹ *Ibid.*, p. 13.

¹⁰² *Ibid.*, p. 15.

¹⁰³ *Ibid.*, p. 10 (Namibia); and p. 12 (Netherlands).

¹⁰⁴ *Ibid.*, p. 8.

Mission, with a view to providing the Transitional Administration with needed computers, radio equipment, vehicles and other essential hardware.

The Special Representative further noted that the East Timor Defence Force was not expected to be at full strength until the end of 2003. Consequently, a United Nations peacekeeping presence would be required in some form until at least that date. On the political transition, he stressed that the creation of the Transitional Cabinet and the appointment of the Timorese National Council represented a new phase where power was increasingly shared between the Transitional Administrator and broadly selected representatives of East Timorese society. The political calendar for the final phase of the transition leading to the democratic election of a Government of East Timor had not been finalized, he noted, but it appeared that East Timor would declare independence at the tail end of 2001. In closing, he stressed that the pace of “Timorization” of the Administration was closely linked with the United Nations effort to build the capacities of that administration and underlined that the role of the United Nations in East Timor would not end with the last date of the mandate of UNTAET.¹⁰⁹

Council members generally concurred with the conclusions of the Security Council mission regarding implementation of resolution 1272 (1999) and endorsed its recommendations for steps to be taken to accelerate the implementation of resolution 1319 (2000). They shared the view of the Transitional Administrator on the need for continued involvement by the international community in the transition prior to and following the independence of East Timor, observing that the reconstruction demands of East Timor would be considerable.

Council members also welcomed the setting of a date for the meeting of the Joint Border Commission and emphasized the importance of fostering good relations between Indonesia and East Timor. In that context, the representative of the United Kingdom particularly underlined the interdependency of the two countries.¹¹⁰

Council members remained concerned about the presence of militias in West Timor and underlined the need for the Government of Indonesia to fully implement its responsibilities to disband and disarm them.¹¹¹ Speakers

also expressed concern about the need for United Nations humanitarian agencies to return to the refugee camps with a view to providing a neutral, secure environment for refugees to decide whether they wished to return to East Timor or integrate into Indonesia. The representatives of the United States and the United Kingdom expressed the hope that the United Nations security staff review in West Timor would take place and thus facilitate the return of the aid agencies.¹¹² The representative of China stressed the importance of Indonesia’s acceptance of the dispatch of security experts to West Timor and urged UNTAET to further enhance communication with the Government of Indonesia.¹¹³ Underlining the need for Indonesia to prosecute those guilty of the 1999 crimes and of the killing of United Nations staff in 2000, the representative of the United States maintained that it was urgent for the ad hoc tribunals to begin their work in Jakarta.¹¹⁴

Council members stressed the importance of beginning the planning for the transition to independence in East Timor and to consider the United Nations presence after independence. The representative of the United Kingdom called for a “workable” strategy and timetable for the transition with clear ownership by the people of East Timor.¹¹⁵ In that context, Council members welcomed ongoing preparations for elections, as well as progress in the establishment of a defence force. Moreover, they expressed support for an international presence in East Timor upon independence. The representative of the United States recalled that the term “UNTAET light” had been used during the Council’s mission and emphasized the need to define the kinds of assistance that East Timor would require in the future.¹¹⁶

At its 4244th meeting, on 6 December 2000, the Council included in its agenda the report on the Council mission to East Timor and Indonesia, dated 21 November 2000.¹¹⁷

The report included observations on the implementation of Council resolutions 1272 (1999) and 1319 (2000). With respect to security and law and order, the mission reported that while the overall security situation in East Timor was relatively stable and deployment of civilian police had begun, more needed to be done to expedite the training of civilian police; build local capacity and resources for the judicial system; and ensure sufficient military capacity to address the continuing threat posed by the militias. In that context, the mission

¹⁰⁹ S/PV.4236, pp. 2-6.

¹¹⁰ *Ibid.*, p. 9.

¹¹¹ *Ibid.*, pp. 7-8 (United States); p. 10 (United Kingdom); pp. 11-12 (Ukraine); p. 13 (Bangladesh); p. 14 (Argentina); p. 17 (Russian Federation); p. 18 (Tunisia); p. 20 (Mali); and p. 21 (France).

¹¹² *Ibid.*, p. 8 (United States); and p. 10 (United Kingdom).

¹¹³ *Ibid.*, p. 21 (France); and p. 15 (China).

¹¹⁴ *Ibid.*, p. 7.

¹¹⁵ *Ibid.*, p. 10.

¹¹⁶ *Ibid.*, p. 7.

¹¹⁷ S/2000/1105.

noted that a continued international police and military presence would likely be needed for some time after independence. While noting progress in the humanitarian situation, the mission stressed the need for UNTAET to maintain its readiness to cope with a significant refugee influx as a component of its refugee return strategy. On the establishment of an effective administration in East Timor, the mission welcomed efforts to accelerate “Timorization” of the administration and emphasized the need for continued capacity-building among the East Timorese. While welcoming improvements in the infrastructure, particularly in Dili, the mission stressed the need for a more even rate of progress throughout the country and recommended greater flexibility in the use of resources from the assessed budget. The need for a strong international commitment to East Timor after independence was highlighted.

The mission also deplored the lack of progress in resolving the refugee issue and called on the authorities in Indonesia to take immediate and effective measures to ensure the safe return, relocation or repatriation of the East Timorese refugees remaining in West Timor. The mission underlined that a credible, impartial and apolitical registration process must be undertaken and commended the intention of the Government of Indonesia to consider arrangements for United Nations security experts to assess the situation on the ground in West Timor. While welcoming efforts by the Government of Indonesia to address the threat posed by the militias, the mission expressed the hope that those efforts would be stepped up and that further progress would be made in investigating and bringing to justice the perpetrators of violent attacks, including on United Nations peacekeepers and UNHCR staff. It also expressed concern at the slow pace of the process in Indonesia to bring to justice the perpetrators and organizers of the 1999 campaign of violence and welcomed steps taken by the Attorney-General in that regard.

At the meeting, the President (Russian Federation) made a statement on behalf of the Council,¹¹⁸ by which the Council, *inter alia*:

Welcomed the report of the Security Council mission to East Timor and Indonesia of 21 November 2000, and endorsed the recommendations that it contained;

Noted the view of the mission that a strong international presence would be required in East Timor after independence, *inter alia* for the provision of financial, technical and security assistance, and agreed that planning for such a presence should begin as soon as possible;

Paid tribute to the work of UNTAET;

Welcomed the creation of the National Council in East Timor, and stressed the importance of further work on the transition to

independence, including a timetable and mechanisms for a constitution and elections;

Emphasized that urgent action was necessary to resolve the problem of the East Timorese refugees in West Timor;

Emphasized the need for measures to address shortcomings in the implementation of justice in East Timor;

Underlined the need to bring to justice those responsible for violent attacks in East and West Timor, including attacks on United Nations personnel;

Highlighted the importance of the bilateral relationship between UNTAET and the Government of Indonesia;

Underlined the need to resolve the outstanding issues of payment of pensions to former civil servants and the proposed transit arrangements between the Oecussi enclave and the remainder of East Timor.

**Decision of 31 January 2001 (4268th meeting):
resolution 1338 (2001)**

On 16 January 2001, the Secretary-General submitted a report on UNTAET,¹¹⁹ outlining the progress made in establishing the East Timor Transitional Authority and transferring authority to the people of East Timor. He stressed that while the United Nations would retain overall responsibility, in accordance with resolution 1272 (1999), there would be a progressive delegation of authority to the people of East Timor culminating in the full “Timorization” of the Authority by the time of independence. Cautioning that the proposed political calendar could still be affected by the security situation, technical or political difficulties, he anticipated that elections would be held in the summer of 2001 and that independence would be declared by the end of the year. UNTAET would be fully responsible for the conduct of the elections, while also ensuring capacity-building and sustainability in all aspects of the electoral planning.

On the security situation, the Secretary-General noted that militias continued to intimidate the refugees in West Timor and echoed the calls on Indonesia to fulfil its obligations under resolution 1319 (2000) to disarm and disband the militias and to ensure safety and security for the refugees. He added that an agreement had not been reached on dispatching United Nations security experts to assess the situation in West Timor in preparation for the return of humanitarian agencies. The Secretary-General reported that some divisions had occurred within the pro-autonomy umbrella, with some militia leaders announcing their readiness to return to East Timor to face justice. He also reported on progress

¹¹⁸ S/PRST/2000/39.

¹¹⁹ S/2001/42, submitted pursuant to resolution 1272 (1999).

in other sectors of the East Timor Transitional Authority, including the police, foreign affairs, defence, justice, infrastructure and education, but noted that the lack of decisions regarding land rights was hampering both local and foreign investments. He stressed that after independence East Timor would still require substantial international support, especially with regard to defence, police and the judicial sector. He proposed the establishment of an integrated mission, mandated by the Security Council and funded from assessed contributions. In the meantime, he encouraged the Security Council to extend the mandate of UNTAET until the end of the year.

At its 4265th meeting, on 26 January 2001, the Council included in its agenda the above-mentioned report of the Secretary-General on UNTAET.¹¹⁹ The Council was briefed by the Special Representative of the Secretary-General for East Timor and Transitional Administrator of East Timor; the Administrator of the United Nations Development Programme (UNDP); the Country Director for East Timor, Papua New Guinea and Pacific Islands of the World Bank; the Adviser from the Asian Pacific Department of the International Monetary Fund (IMF); and the President of the General Assembly. In addition to all Council members, statements were made by the representatives of Australia, Brazil, New Zealand, Chile, Fiji, Indonesia, Japan, Mozambique, the Philippines, the Republic of Korea and Sweden (on behalf of the European Union¹²⁰), as well as by Mr. José Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

The President (Singapore) drew attention to a letter dated 25 January 2001 from the representative of Portugal to the President of the Council, containing information on his country's support to UNTAET and the transition of East Timor to independence.¹²¹

Introducing the Secretary-General's report, the Special Representative of the Secretary-General noted that many of the key tasks laid out in resolution 1272 (1999) now fell on the new governmental structures of East Timor to perform, rather than on UNTAET as originally conceived. He cautioned that the government could not be expected to perform those tasks adequately on its present "cruel budget" without being able to tap into the larger resources of UNTAET. Noting that a consensus was forming on having elections to the

Constituent Assembly on 30 August 2001, he announced that key decisions were about to be made regarding the details of the political steps which would lead to independence. He added that the East Timor Defence Force would not reach its full strength for another two to three years and stressed that international personnel would be needed well beyond independence to provide technical assistance, capacity-building and security.¹²²

The Administrator of UNDP reported that United Nations agencies and programmes had, in collaboration with development partners, including non-governmental organizations, begun the work of building the "critical bridge" between emergency work and longer-term rehabilitation and development in East Timor. He noted that adequate resources were not being made available for that critical area and stressed the need to look beyond the present recurrent needs towards a viable funding and programming strategy.¹²³

The representative of the World Bank emphasized the need for a clear and structured plan for the transition and post-independence mandate of East Timor to be developed as a result of a collaborative effort among all the development partners. Noting that such a plan needed to be in place as soon as possible to enable the mobilization of the right resources, he emphasized the importance of integrated political, administrative and economic planning, as well as the critical nature of private sector recovery and growth with a view to providing the people of East Timor with economic independence.¹²⁴

Elaborating on the role of IMF in East Timor, the IMF Adviser, stated that the Fund had focused on developing a macroeconomic framework to guide economic decision-making, as well as on building capacity among the East Timorese. He argued that although the Special Representative had held that the budget was "cruel", he believed it was realistic within the context of the current and future economic prospects of East Timor and the essential need for it to be sustainable.¹²⁵

The President of the General Assembly drew attention to the gap between the expectations of the local population and the reality of the "complex and delicate task" of nation building. He cautioned against a premature exit of the United Nations from East Timor,

¹²⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹²¹ S/2001/83.

¹²² S/PV.4265, pp. 3-8.

¹²³ *Ibid.*, pp. 8-9.

¹²⁴ *Ibid.*, pp. 9-12.

¹²⁵ *Ibid.*, pp. 12-15.

expressed support for the Council's request for increased flexibility in the use of assessed resources allocated to complex peacekeeping operations such as UNTAET, and pledged to draw, once again, the attention of the relevant General Assembly bodies to that request.¹²⁶

Mr. Ramos-Horta described the progress that had been made since the establishment of UNTAET and highlighted the increasing participation of Timorese in the East Timor Transitional Authority. Touching on aspects of internal and external security and the continuing process of healing and normalization of relations with Indonesia, he noted that a number of decisions remained to be made with a view to attaining the goal of independence, including the holding of elections for a Constituent Assembly and organizing a constitutional conference which would debate and prepare the first draft Constitution. He held that the performance of the United Nations civilian police could be improved by reorganizing along the lines of nationality to avoid mixing different cultures, forms of professional training and security doctrines. He urged the United Nations to sustain its partnership with the people of East Timor, including by maintaining a peacekeeping presence after the transition period.¹²⁷

Speakers welcomed the assessment contained in the Secretary-General's report that there was a growing consensus among the Timorese people to seek independence by the end of 2001, and expressed support for his recommendation that the Council extend the mandate of UNTAET until 31 December 2001. On reconstruction efforts, they underscored the importance of effective cooperation between UNTAET, the World Bank, UNDP, IMF, civil society and the East Timorese people. Several speakers reiterated their support for increased flexibility in the use of resources in the assessed budget for UNTAET.¹²⁸

Most speakers welcomed the progress in the electoral preparations and stressed the need for free, fair and inclusive elections. The representatives of Colombia and Japan deplored the recent violent incidents in connection with political campaigning.¹²⁹ Several representatives called for an acceleration of the rate of return of the refugees and noted the importance of nation-building in East Timor being as inclusive as

possible.¹³⁰ The representatives of the United Kingdom and France voiced concern about the implications for elections, should the refugees in West Timor remain disenfranchised.¹³¹

With respect to the security situation, most speakers voiced concern regarding the continued activities of militias in West Timor and the threat which they posed to refugees. They stressed the need to improve the security environment to enable the registration and return of refugees, the resumption of humanitarian efforts and a safe and calm execution of the elections. Several speakers called on Indonesia to step up its efforts to fully implement resolution 1319 (2000),¹³² while the representative of China urged the international community to assist Indonesia in its efforts to implement that resolution.¹³³ Several representatives called for justice and reconciliation and welcomed the steps taken by both Indonesia and East Timor to bring the perpetrators of serious crimes to justice.¹³⁴

Most speakers voiced support for the Secretary-General's recommendation to extend the mandate of UNTAET for 12 months and advocated consideration of modalities for a post-independence integrated mission in order to ensure a smooth transition and a well-planned exit strategy for UNTAET. The representative of Japan underlined that upon independence, the transfer of authority should be complete, giving the international community a purely advisory role, while the representative of France observed that independence would mean the definitive transition from peacekeeping to peacebuilding and called for a clear exit strategy for UNTAET.¹³⁵

Speakers generally concurred that an international presence would be required in East Timor well beyond independence and include development and capacity-building as well as defence and police responsibilities, which should be handed over gradually. While

¹²⁶ Ibid., pp. 15-17.

¹²⁷ Ibid., pp. 17-23.

¹²⁸ S/PV.4265 (Resumption 1), p. 2 (Tunisia); p. 14 (United States); p. 22 (Australia); p. 33 (Republic of Korea); and p. 35 (Mozambique).

¹²⁹ Ibid., p. 7 (Colombia); and p. 24 (Japan).

¹³⁰ Ibid., p. 6 (Jamaica); p. 17 (Mauritius); p. 24 (Japan); and p. 27 (Sweden on behalf of the European Union).

¹³¹ S/PV.4265, p. 25 (United Kingdom); S/PV.4265 (Resumption 1), p. 4 (France).

¹³² S/PV.4265, p. 25 (United Kingdom); S/PV.4265 (Resumption 1), p. 10 (Ireland); p. 15 (Norway); and p. 27 (Sweden on behalf of the European Union).

¹³³ S/PV.4265 (Resumption 1), p. 8.

¹³⁴ Ibid., p. 7 (Colombia); p. 10 (Ireland); p. 11 (Mali); p. 13 (United States); p. 22 (Australia); p. 23 (New Zealand); and p. 26 (Sweden on behalf of the European Union).

¹³⁵ Ibid., p. 4 (France); and p. 24 (Japan).

welcoming progress in creating the East Timor Defence Force, many speakers cautioned against the premature withdrawal of international troops.¹³⁶ Several representatives believed that any post-independence United Nations security component should take the form of Blue Helmets, authorized by the Security Council.¹³⁷

The representative of Indonesia elaborated on his Government's efforts towards resolving the outstanding issues related to East Timor, including the question of refugees, reconciliation and disarming of the militias, and expressed the hope that UNTAET, during the period of its extended mandate, would focus on meeting the challenges of the future in a positive, balanced and comprehensive manner.¹³⁸

At its 4268th meeting, on 31 January 2001, the Council continued its consideration of the report of the Secretary-General dated 16 January 2001.¹³⁹ The President (Singapore) drew attention to a draft resolution;¹⁴⁰ it was adopted unanimously and without debate as resolution 1338 (2001), by which the Council, inter alia:

Decided to extend the current mandate of UNTAET until 31 January 2002, bearing in mind the possible need for adjustments related to the independence timetable;

Requested the Special Representative of the Secretary-General to continue to take steps to delegate progressively further authority within the East Timor Transitional Authority to the East Timorese people until authority was fully transferred to the government of an independent State of East Timor;

Encouraged UNTAET to continue to support fully the transition to independence, including through development and training for the East Timorese people;

Urged the international community to provide financial and technical assistance to the creation of an East Timor Defence Force;

Underlined that UNTAET should respond robustly to the militia threat in East Timor;

Emphasized the need for measures to address shortcomings in the administration of justice in East Timor;

Requested the Secretary-General to submit to the Security Council by 30 April 2001 a report on the implementation of the mandate of UNTAET, which should include in particular military and political assessments of the situation on the ground and their implications for the size, structure and deployment of UNTAET;

Stressed the need for a substantial international presence in East Timor after independence.

Decision of 10 September 2001 (4368th meeting): statement by the President

At its 4308th meeting,¹⁴¹ on 5 April 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members.

Providing an update on the situation since the adoption of resolution 1338 (2001), the Assistant Secretary-General noted that enormous progress had been made but that there was still much more to be achieved. He maintained that with the ongoing assistance of the international community, the East Timorese should be able to realize their aspiration for a democratic and sustainable independence. He informed members that a regulation on the establishment of a Constituent Assembly had been adopted on 13 March and that the date for elections had been set for 30 August 2001, subject to the completion of electoral registration by 24 June 2001. In that connection, he reported that the regulation on the establishment of the Central Civil Registry for East Timor had also been adopted, providing the basis for preparation of the electoral roll. He noted that, to be eligible to vote, refugees in West Timor would have to register before 24 June 2001, and be present in East Timor on polling day. Noting that the Constituent Assembly, once established, would have 90 days to prepare East Timor's Constitution, he stated that consideration of a date for independence would only be possible once the Constituent Assembly had begun its work. He further informed the Council that Mr. Xanana Gusmão, Speaker of the National Council, had resigned following the Council's rejection of a draft regulation on the establishment of a mechanism allowing for broad-based consultation on the Constitution.

On military matters, he reported that on 1 February a ceremony had been held to mark the disbanding of the former fighters of FALINTIL and the establishment of the East Timor Defence Force that would comprise 1,500 regulars and 1,500 reservists. While welcoming

¹³⁶ S/PV.4265, p. 24 (United Kingdom); S/PV.4265 (Resumption 1), p. 13 (United States); p. 15 (Norway); pp. 20-21 (Australia); pp. 23 (New Zealand); p. 27 (Sweden on behalf of the European Union); p. 29 (Chile); p. 30 (Brazil); and p. 34 (Philippines).

¹³⁷ S/PV.4265 (Resumption 1), p. 21 (Australia); p. 23 (New Zealand); p. 33 (Republic of Korea); and p. 34 (Philippines).

¹³⁸ *Ibid.*, pp. 36-38.

¹³⁹ S/2001/42.

¹⁴⁰ S/2001/92.

¹⁴¹ For more information on the discussion at this meeting, see chap. III, part II, sect. B, case 9, with regard to limitations on participation.

recent increases in refugee returns, the Assistant Secretary-General noted that an estimated 100,000 refugees remained in the camps in West Timor, and that reports of intimidation and lack of access to information about the conditions in East Timor continued. With respect to the proposal made by Indonesia on conducting a security assessment in West Timor with a view to downgrading the phase V security level (evacuation level), which would enable the return of United Nations agencies, he said that the Security Coordinator had expressed concern over the likely negative outcome of such an assessment.

With regard to security and law and order in East Timor, he declared that the situation along the border with West Timor had been tense over the last several days, characterized by multiple incidents. Similarly, he noted that though the crime rate in East Timor was generally low, there had been a series of violent incidents recently in several districts. Upon reflection during a series of community meetings in those districts, the need to create employment opportunities had been identified as key to reducing the risk of violence recurring. He maintained that progress in the maintenance of law and order could only be effective if there was commensurate development of the day-to-day functioning of the judiciary.

Turning to post-UNTAET planning, the Assistant Secretary-General informed the Council that a Working Group to that effect had been established, which, in consultation with the East Timor leadership, would make recommendations on estimated international staffing levels; the duration of those positions; technical assistance requirements and strategies for training required to support the government post independence. He also noted that United Nations Headquarters was currently exploring the possibility of setting up a mission task force to consider specific recommendations on the complete international presence post-independence.¹⁴²

The discussion among Council members focused on the 30 August 2001 elections and the participation of refugees still in West Timor; the security situation, particularly at the border with Indonesia in the run-up to the elections; and the role of the United Nations role in East Timor following independence. Representatives looked forward to the forthcoming reports, requested in pursuance of resolution 1338 (2001), on the implementation of the mandate of UNTAET and on recommendations with respect to the need for a

substantial international presence in East Timor after independence.

Concerning the preparations for the elections of 30 August 2001, Council members underlined the importance of an inclusive preparatory process, involving all political parties and the population in East Timor, including some 100,000 refugees in West Timor, towards the holding of free and fair elections for the Constituent Assembly. Several representatives expressed the hope that the refugees remaining in West Timor would return to East Timor by the registration deadline of 24 June 2001.¹⁴³ The representative of Bangladesh expressed regret that there would be no quotas for female candidates, while the representative of Norway hoped that the preambular paragraph in the regulation pertaining to the election encouraging equal participation of women and men would have the intended impact.¹⁴⁴ The representative of the Russian Federation held that the problem of the fate of the refugees had to be resolved by UNTAET and the Government of Indonesia, working in close cooperation. He also expressed the hope that the move to elections had not been based merely on the symbolic force of the date, but rather on a realistic assessment of the situation in the territory.¹⁴⁵ In response, the Assistant Secretary-General reported that the National Council had decided that those Timorese wishing to vote would have to return to East Timor. He added that it had been hoped that that decision might induce some of the refugees to return.¹⁴⁶

With respect to the security situation, Council members voiced concern at the recent acts of violence in East Timor, and particularly those on the border, and called for UNTAET to provide a robust response to any future instability. They also reiterated concern regarding the threats posed by militia groups in West Timor. Several representatives underlined the importance of the United Nations Security Coordinator dispatching a security assessment team to West Timor with a view to facilitating the return of humanitarian agencies.¹⁴⁷ The Assistant Secretary-General noted that it was the view of the Security Coordinator that an assessment mission

¹⁴² S/PV.4308 and Corr.1, pp. 2-6.

¹⁴³ *Ibid.*, p. 7 (Norway); p. 13 (Ireland); p. 13 (Mauritius); p. 14 (France); p. 15 (China); and p. 20 (United Kingdom).

¹⁴⁴ *Ibid.*, pp. 6-7 (Norway); and p. 18 (Bangladesh).

¹⁴⁵ *Ibid.*, p. 19.

¹⁴⁶ *Ibid.*, p. 16.

¹⁴⁷ *Ibid.*, p. 8 (Tunisia); p. 9 (Ukraine); p. 11 (Jamaica, Colombia); p. 15 (China); and p. 18 (Bangladesh).

would conclude that the current Phase V should be maintained. He recalled that an advance security team had travelled to the area and had not been able to proceed to a militia stronghold in West Timor.¹⁴⁸

The representatives of the United States and Mauritius expressed concern with regard to the Government of Indonesia's handling of suspects in relation to the murder of an UNTAET private in July 2000 and the murder of three UNHCR personnel.¹⁴⁹ The representative of the United Kingdom held that the question of extradition should be pursued further.¹⁵⁰

Most speakers were looking forward to the Secretary-General's report with recommendations for the future engagement by the United Nations. The representative of France held that the UNTAET military personnel should be gradually withdrawn following the elections and as the date of independence approached.¹⁵¹ The representative of Singapore suggested that the Council should tie UNTAET troop withdrawals to independence rather than to the election.¹⁵² The Assistant Secretary-General observed that despite a very professional border operation by UNTAET, there continued to be problems and that it was likely that in the run-up to elections more incidents would occur as some groups might wish to destabilize the situation. As a result, there was a very strong feeling on the ground that the United Nations should not tamper with force levels, particularly prior to the elections.¹⁵³

On 2 May 2001, the Secretary-General submitted a report on UNTAET,¹⁵⁴ in which he noted that, while East Timor continued to make progress on the path to independence, a great deal remained to be done until that objective was reached. On the positive side, the Secretary-General noted the promulgation, on 16 March, of the regulation on the election of the Constituent Assembly, adding that the registration of residents must be completed by 20 June to allow sufficient time for review, challenge and appeal of the electoral roll before the 30 August ballot. While the economy had grown by an estimated 15 per cent, unemployment remained substantial and was expected to increase as the number

of international personnel decreased. With respect to the unresolved issue of the refugees in West Timor, the Secretary-General announced that refugees had been informed of the Indonesian plans for a one-day registration exercise, scheduled for 21 May, during which they would be offered a choice between repatriation and permanent settlement in Indonesia. He further welcomed that Indonesia would establish an ad hoc tribunal to deal with gross violations of human rights, but deplored that the tribunal's jurisdiction was limited to acts committed after the 30 August 1999 ballot.

Recalling that security phase V remained in place in West Timor and that Indonesia had yet to fully implement resolution 1319 (2000), he reported that the Security Coordinator had decided to organize and lead an inter-agency security assessment mission in West Timor in May 2001. The Secretary-General noted that the militias remained a force to be reckoned with, continuing to advocate armed struggle to bring East Timor back into Indonesia and becoming increasingly involved in illegal cross-border trade. He stressed the need to retain both the military and civilian police components of UNTAET until the local defence and police force had reached the capacity and capability to allow a gradual withdrawal of United Nations troops. He also stressed the need to maintain a significant civilian presence in East Timor. In that context, he pointed out that the Working Group on Post-UNTAET Planning had initiated a review of the estimated level and skills of international staff required and was considering a comprehensive schedule of consultation with the people of East Timor.

At its 4321st meeting, on 18 May 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.¹⁵⁴ The Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, the representatives of Australia, Brazil, Canada, Indonesia, Japan, New Zealand, Portugal, the Republic of Korea and Sweden (on behalf of the European Union¹⁵⁵), and by Mr. Xanana Gusmão, President of CNRT, and Mr. José Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

¹⁴⁸ Ibid., pp. 15-16.

¹⁴⁹ Ibid., p. 7 (United States); and p. 13 (Mauritius).

¹⁵⁰ Ibid., p. 20.

¹⁵¹ Ibid., p. 14.

¹⁵² Ibid., p. 17.

¹⁵³ Ibid., p. 16.

¹⁵⁴ S/2001/436, submitted pursuant to resolution 1338 (2001).

¹⁵⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

The Assistant Secretary-General reported that UNTAET had registered some 390,000 East Timorese and was working to complete the registration exercise by the 20 June deadline to enable the ballot to occur on 30 August. He also expressed regret that there had been no tangible progress since the report's issuance on the situation of the refugees. Concerning the issue of justice, he underlined that the decision of 4 May of the Jakarta court, which had handed down sentences of 10 to 20 months to six men in connection with the killings on 6 September 2000 of three UNHCR staff in West Timor, had been received by the international community with shock and disbelief. He further noted that the Secretary-General's report identified risks, both internal and external, to the security of East Timor and concluded that it would be prudent to maintain the military component essentially in its present form.¹⁵⁶

Mr. Gusmão observed that justice and reconciliation were two components of a process that must proceed side by side and that the international community and East Timor shared equal responsibility for that process. The international community should take prime responsibility for bringing about justice while the Timorese would bear responsibility for reconciliation. He expressed dissatisfaction with Indonesia's performance concerning justice, drawing attention to the "appalling" verdicts given to the confessed murderers of the three UNHCR staff. He described the forthcoming elections and the establishment of democratic institutions as a turning point in the process leading to the assumption by East Timorese of full responsibility for their country. He further urged the Council to keep the peacekeeping mission in East Timor after independence was declared. He also noted that, with the support of the World Bank, a group would soon be set up to work full-time on strategic development, and pledged to be personally involved in that process.¹⁵⁷

Mr. Ramos-Horta stated that CNRT would be dissolved in June and replaced by a National Pact, now being drafted, that would enable the participation of all political parties in the 30 August elections. He said that negotiations with Australia over a new revenue-sharing agreement were expected to yield an accord within two months and called for an increase in the process of "Timorization" and capacity-building. He further urged that the Serious Crimes Unit of UNTAET be strengthened and that the Indonesian authorities should

not forget their pledge to bring to book those who committed war crimes in East Timor.¹⁵⁸

Many speakers echoed several of the views contained in the Secretary-General's interim report, namely, his view that it would be prudent to maintain the military component essentially in its present form until the Government of East Timor had established itself; and the decisions to establish a working group on post-UNTAET planning and an Integrated Mission Task Force at Headquarters to support the working group.

Several representatives welcomed the announced intention of the Security Coordinator to organize and lead an inter-agency security assessment mission to West Timor in May 2001 and looked forward to the prospect that international staff would return to West Timor.¹⁵⁹

On the elections scheduled for 30 August 2001, many speakers welcomed the news that over 40 per cent of the East Timorese population had been registered for the polls and called for continued efforts prior to the close of registration on 20 June. They also noted that continued vigilance by UNTAET was necessary because of a widely shared fear among the population that the political process might not remain peaceful and the expectation of the Timorese that UNTAET would protect them from political violence.

Expressing concern about the impact of the continuing problem of the refugees in West Timor on the election, several speakers urged Indonesia to expedite the registration process to enable the refugees to return to East Timor in time for the voter registration.¹⁶⁰ The representatives of France and the Russian Federation indicated that the postponement of the one-day registration made it impossible for all remaining refugees to return in time for the election.¹⁶¹

While welcoming the steps taken by Indonesia to bring perpetrators of the 1999 abuses to justice and to establish an ad hoc tribunal to deal with gross violations

¹⁵⁸ Ibid., pp. 6-8.

¹⁵⁹ Ibid., p. 9 (United Kingdom); p. 10 (Singapore); p. 11 (China); p. 15 (Colombia); p. 17 (Jamaica); p. 20 (Tunisia); and p. 22 (Norway); S/PV.4321 (Resumption 1), p. 6 (Japan).

¹⁶⁰ S/PV.4321, p. 8 (United Kingdom); p. 10 (Singapore); p. 14 (Ireland); p. 15 (Colombia); p. 22 (Norway); p. 25 (Sweden on behalf of the European Union); and p. 26 (Australia); S/PV.4321 (Resumption 1), p. 7 (New Zealand); and p. 8 (Republic of Korea).

¹⁶¹ S/PV.4321, p. 12 (France); and p. 13 (Russian Federation).

¹⁵⁶ S/PV.4321, pp. 2-4.

¹⁵⁷ Ibid., pp. 4-6.

of human rights, many speakers strongly deplored the light sentences given to the confessed perpetrators of the killings of three UNHCR staff members.¹⁶² Several speakers welcomed the decision by the Attorney General in Indonesia to appeal the verdicts.¹⁶³ Echoed by the representative of Norway, the representative of Canada stated that the mild sentences reduced the international system's confidence in the justice system in Indonesia and stressed that, should the Indonesian system prove unable to enforce internationally accepted legal norms, the international community must pursue other means to ensure that justice was served.¹⁶⁴ Meanwhile, the representatives of Singapore and the Russian Federation cautioned against interfering in the judicial processes of a sovereign State.¹⁶⁵

While concurring that a significant international presence would be required in East Timor well beyond independence, several speakers stressed the need to plan for an exit strategy.¹⁶⁶ The representative of France was of the view that the military component of UNTAET might be downsized after the elections, and suggested that the next report of the Secretary-General should contain new recommendations regarding the composition of UNTAET.¹⁶⁷ The representative of the Republic of Korea cautioned that the debate about exit strategies might send the wrong signal to "security-threatening elements".¹⁶⁸ The representative of Australia stressed that any drawdown must be part of an overall exit strategy and not be undertaken with a view to cutting costs.¹⁶⁹ The representative of Canada also

cautioned against any premature drawdown, while calling for "reasonable budget restraint".¹⁷⁰ The representative of the United Kingdom stressed the need to be "cost-conscious", including by improving budget management and making progress in cost recovery.¹⁷¹

Speaking on behalf of the European Union, the representative of Sweden expressed concern at the slow pace of "Timorization" and called for recruitment and capacity-building efforts to be strengthened in all governance areas.¹⁷²

The representative of Indonesia reiterated his Government's "unswerving commitment" to bringing to justice those responsible for human rights violations. In that regard, he stated that the trial of those accused of killing the three UNHCR workers in September 2000 had not been concluded, as that case had been appealed by the Prosecutor, and called for all concerned parties to refrain from hasty judgements until a final decision was taken. He cautioned that reconciliation and retribution did not go together, stressing that for reconciliation to be successful, vast differences needed to be bridged. He also called for reports of the United Nations concerning East Timor to be impartial, balanced and objective.¹⁷³

On 24 July 2001, the Secretary-General submitted a progress report on UNTAET.¹⁷⁴ In the report, the Secretary-General observed that the National Council had been dissolved to allow for a six-week election campaign; 16 parties had registered for the election; 737,811 residents of East Timor had been registered; and nearly 10 per cent of the electorate had participated in public hearings on the Constitution. Only two minor parties had refused to sign the pact of national unity, while two political groups remained outside the election process due to their opposition to the ballot. The Secretary-General detailed the progress made by the East Timor Transitional Authority on a series of benchmarks and pointed out that, while the leadership in East Timor had stepped up efforts to promote reconciliation, the authorities in Indonesia remained reluctant to implement parts of the memorandum of understanding on cooperation in legal, judicial and human rights matters. He reported that the preliminary results of the refugee registration on 6 and 7 June 2001

¹⁶² *Ibid.*, p. 9 (United Kingdom); p. 10 (Singapore); p. 14 (Ireland); p. 22 (Norway); p. 23 (Ukraine); p. 24 (United States); p. 25 (Sweden on behalf of the European Union); and p. 27 (Australia); S/PV.4321(Resumption 1), p. 3 (Canada); pp. 4-5 (Brazil); and p. 6 (Japan).

¹⁶³ S/PV.4321, p. 9 (United Kingdom); p. 10 (Singapore); p. 12 (France); p. 17 (Jamaica); p. 22 (Norway); p. 24 (United States); and p. 25 (Sweden on behalf of the European Union); S/PV.4321 (Resumption 1), p. 4 (Canada); and p. 7 (New Zealand).

¹⁶⁴ S/PV.4321, p. 22 (Norway); S/PV.4321 (Resumption 1), pp. 3-4 (Canada).

¹⁶⁵ S/PV.4321, p. 10 (Singapore); and p. 13 (Russian Federation).

¹⁶⁶ *Ibid.*, p. 9 (United Kingdom); p. 10 (Singapore); pp. 18-19 (Mauritius); p. 24 (United States); and p. 26 (Australia); S/PV.4321 (Resumption 1), p. 3 (Portugal); and p. 9 (Republic of Korea).

¹⁶⁷ S/PV.4321, p. 12.

¹⁶⁸ S/PV.4321 (Resumption 1), p. 9.

¹⁶⁹ S/PV.4321, pp. 26-27.

¹⁷⁰ S/PV.4321 (Resumption 1), p. 3.

¹⁷¹ S/PV.4321, p. 8.

¹⁷² *Ibid.*, p. 25.

¹⁷³ S/PV.4321 (Resumption 1), pp. 9-11.

¹⁷⁴ S/2001/719, submitted pursuant to resolution 1338 (2001).

indicated that 98 per cent had opted to remain in Indonesia. However, he cautioned that this result might not reflect the refugees' long-term intentions. At the same time, he noted that the findings of the security assessment mission to West Timor were being analysed. The Secretary-General cautioned that, while the overall security situation remained stable, the light sentences given for the UNHCR killings and to a well-known militia leader might have encouraged some hard-line militia members to plan a resumption of offensive operations in the lead-up to the elections. He also expressed concern about the continued ability of militias to operate and train and to access modern weaponry. On the preparations for a successor mission to UNTAET, the Secretary-General stated that the Working Group on Post-UNTAET Planning in East Timor and the Integrated Mission Task Force in New York were still working on a plan, which would include a substantial reduction in the overall United Nations presence, while retaining civilian, police and military components until a gradual, sustainable handover to the people of East Timor could be completed.

At its 4351st meeting, on 30 July 2001, the Council included in its agenda the above-mentioned progress report of the Secretary-General.¹⁷⁴ The Council was briefed by the Special Representative of the Secretary-General for East Timor. Statements were made by all members of the Council, the representatives of Australia, Belgium (on behalf of the European Union¹⁷⁵), Brazil, Canada, Indonesia, Japan, New Zealand, the Philippines, Portugal, the Republic of Korea and Thailand, and by Mr. Ramos-Horta, member of the Transitional Cabinet of East Timor responsible for foreign affairs.

The Special Representative of the Secretary-General stated that, while UNTAET had come a long way towards preparing East Timor for independence, four major objectives needed to be met if it was to complete the mandate given to it by the Council, namely, (1) to consolidate a secure and stable environment; (2) to steer East Timor through the creation of democratic institutions and successful, peaceful elections; (3) to put in place the building blocks for the management of public finances and policy-making; and (4) to establish the framework for a sustainable and effective government administration. After the elections, he intended to appoint an

expanded, all-Timorese Cabinet to head a reorganized Transitional Administration, which would be downsized and more closely reflect the anticipated portfolio responsibilities of a future independent Government. Meanwhile, he underlined that the United Nations presence in East Timor must be continued, not only to ensure an effective police, military and judiciary, but to continue capacity-building and transfer of skills. Arguing that a new mission should be funded by assessed contributions to ensure predictability, he said that the recommendations to be submitted in October would be a strategic, sensible and modest assessment of what would be required in East Timor.¹⁷⁶

Mr. Ramos-Horta held that while the overall trend in security was towards decreasing levels of militia attacks, the United Nations military presence in East Timor would continue to be of crucial importance in maintaining a secure environment beyond the elections. Recognizing the need for good-neighbourly relations to that end, he noted that progress had been made in building positive relations with Indonesia and informed the Council of his participation in the recent ministerial meeting of the Association of South-east Asian Nations (ASEAN). While maintaining that the downsizing of the military and civilian component of UNTAET was indeed in the interest of the people of East Timor, he underlined the challenges involved in building a sustainable nation state, and stressed the need for continuous support from the international community.¹⁷⁷

Speakers took positive note of arrangements regarding the holding of democratic elections for the Constituent Assembly on 30 August 2001 and noted the Pact of National Unity, signed by 14 of the 16 East Timorese political parties on 20 June 2001, that called for a peaceful political campaign and acceptance of the outcome of the elections.

Speakers recognized that, while the election represented an important milestone in the mandate of UNTAET, experience had shown that the period following elections could often be extremely volatile and that the Council should view that period with vigilance, rather than as an opportunity for an early exit from East Timor. They underlined the need for a continued, albeit reduced, United Nations presence following independence, noting that areas such as defence, public safety, justice and governance were

¹⁷⁵ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁷⁶ S/PV.4351, pp. 2-8.

¹⁷⁷ *Ibid.*, pp. 8-11.

critical, requiring longer term international support. In that context, they welcomed the progress made in developing the details of a successor mission, taking into account the situation as it evolved on the ground, and looked forward to the forthcoming report of the Secretary-General in which such particularities would be further elucidated. The representative of Colombia stressed that an exit strategy should be based solely on the conditions on the ground and the needs and requirements of the people of East Timor, and not on political or economic considerations at United Nations Headquarters.¹⁷⁸ The representative of Singapore warned against confusing exit strategies with exit deadlines.¹⁷⁹ The representative of Norway insisted that resolution 1272 (1999) should be used as guidance in setting benchmarks for mission completion.¹⁸⁰ Several speakers stressed that the credibility of the United Nations was at stake in ensuring the transition of East Timor to independence.¹⁸¹

Speakers appealed to the Government of Indonesia to disarm and disband militias in West Timor and to ensure a secure environment along its border with East Timor. They expressed the hope that the situation in West Timor would improve so that a United Nations presence could be re-established there, and looked forward to the outcome of the inter-agency security assessment mission's findings. The representative of Indonesia, however, found it unacceptable that the report justified the need to maintain a United Nations robust presence in the border areas and in East Timor as a result of the inaction of the Government of Indonesia in disbanding militia groups.¹⁸² The representative of Canada expressed reservations at the high number of East Timorese police officers scheduled to be trained, maintaining that the focus on the training of a "large quasi paramilitary force" was an unnecessary distraction from democratic principles based on a community-policing model.¹⁸³

Speakers also took note of the steps taken by the Government of Indonesia to address the issue of refugees and displaced persons from East Timor residing in West Timor, and encouraged the United Nations to

continue to work closely with the Indonesian authorities to resolve the situation.

Stressing the importance of reconciliation for the attainment of stability in East Timor, several speakers commended East Timor for the establishment of the Commission for Reception, Truth and Reconciliation, intended to help intercommunal reconciliation.¹⁸⁴ Calling for discussions with the militias, the representative of France said that further progress in reconciliation required early attainment of political power by the people of East Timor.¹⁸⁵

Most speakers underlined the importance of good-neighbourly relations between East Timor and Indonesia and called on the new Indonesian administration to fully implement the memorandum of understanding on cooperation in legal, judicial and human rights matters, of 6 April 2000, and to establish a special human rights tribunal in Indonesia that would enable the prosecution of serious crimes. Several representatives called on Jakarta to pursue the appeal of the light sentences handed down on 6 September 2000 to the persons responsible for the killing of three UNCHR workers in Atambua, as well as to implement the measures outlined in resolution 1319 (2000).¹⁸⁶ The representative of Ireland urged full cooperation in investigating allegations that women were being held in West Timor in sexual slavery.¹⁸⁷

Noting that East Timor would most likely become a member of ASEAN, several speakers underlined the key role ASEAN could play in maintaining the sovereignty and territorial integrity of East Timor.¹⁸⁸

The representative of Indonesia emphasized that his new Government remained fully committed to its obligations regarding international agreements on East Timor and would continue efforts to resolve outstanding issues and build good relations with the leaders of East Timor. At the same time, he criticized the Secretary-General's report for having justified the need to maintain

¹⁷⁸ *Ibid.*, p. 22.

¹⁷⁹ *Ibid.*, p. 11.

¹⁸⁰ S/PV.4351 (Resumption 1) and Corr.1, p. 2.

¹⁸¹ S/PV.4351, pp. 18-19 (Russian Federation); S/PV.4351 (Resumption 1) and Corr.1, p. 7 (Portugal); p. 9 (Australia); and p. 19 (New Zealand).

¹⁸² S/PV.4351 (Resumption 1) and Corr. 1, p. 19.

¹⁸³ *Ibid.*, p. 21.

¹⁸⁴ S/PV.4351, p. 14 (United Kingdom); p. 19 (Jamaica); and p. 21 (France).

¹⁸⁵ *Ibid.*, p. 21.

¹⁸⁶ *Ibid.*, p. 14 (United Kingdom); p. 20 (Jamaica); p. 21 (France); S/PV.4351 (Resumption 1) and Corr.1, pp. 3-4 (Ireland); pp. 10-11 (Australia); p. 12 (Belgium on behalf of the European Union); and p. 18 (New Zealand).

¹⁸⁷ S/PV.4351 (Resumption 1) and Corr.1, p. 4.

¹⁸⁸ S/PV.4351, p. 13 (Singapore); p. 16 (Bangladesh); and p. 21 (France).

a robust presence in East Timor by claiming inaction by the Government of Indonesia; not recognizing that the success of the disarmament process was reflected in the lack of serious incidents with heavy casualties; and making unsubstantiated assertions regarding militia activity. He reiterated his Government's commitment to justice and reconciliation as well as its openness to any suggestion for a viable United Nations presence after independence in East Timor.¹⁸⁹

At the 4367th meeting,¹⁹⁰ on 10 September 2001, at which the Council was briefed by the Under-Secretary-General for Peacekeeping Operations, statements were made by all Council members and the representatives of Australia, Belgium (on behalf of the European Union¹⁹¹), Japan, New Zealand and Portugal.¹⁹²

The Under-Secretary-General reported that the elections for the Constituent Assembly had been conducted in an orderly and peaceful manner, meeting the criteria for free and fair elections, according to the Independent Electoral Commission. He added that 91 per cent of the electorate had participated in the poll, and concerns of voter intimidation had not been realized. The Under-Secretary-General pointed out that the certified results showed that Fretilin¹⁹³ had won 55 of the 88 seats (57.4 per cent), five short of a controlling

majority; 12 of the 16 registered parties would be represented in the Assembly; and women would make up 27 per cent of the members. Indicating that some refugees had deferred returning to East Timor out of fear of electoral violence, he reported that arrangements were under way to facilitate further returns. He noted that the inter-agency security assessment mission had concluded that the security phase could be lowered from V to IV in all but one districts in West Timor following the conclusion of a memorandum of understanding between the Government of Indonesia and the United Nations to specify the security for United Nations personnel.¹⁹⁴

Speakers welcomed the peaceful, free and fair conduct of the elections and the high voter turnout. They expressed hope that the electoral outcome would be respected and that the parties would abide by their obligations under the pact of national unity and work together to draft a new Constitution for East Timor. The representative of the United States, echoed by the representatives of Colombia and Portugal, applauded the Fretilin leaders for having committed themselves to an inclusive and consensual approach to drafting a modern Constitution.¹⁹⁵ The representative of Norway encouraged UNTAET to adjust its routines to be able to respond to the democratically elected Assembly.¹⁹⁶ Similarly, the representative of Ukraine believed that UNTAET should pay special attention to providing relevant assistance to the newly elected Assembly members, preparing them for good governance.¹⁹⁷

Speakers also stressed the importance of good-neighbourly relations between Indonesia and East Timor. In that context, many representatives welcomed the cooperation extended by the Government of Indonesia during the electoral period.¹⁹⁸ The representative of the United States hoped that the peaceful holding of the elections would encourage further refugee returns from West Timor.¹⁹⁹

Speakers also reiterated their support for a substantial international presence in East Timor after independence, stressed the need to begin planning for the successor mission, and looked forward to the

¹⁸⁹ S/PV.4351 (Resumption 1) and Corr.1, pp. 19-20.

¹⁹⁰ At the 4358th meeting, held in private on 23 August 2001, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, who provided details on the election arrangements. The representatives of Argentina, Australia, Belgium, Brazil, Canada, Denmark, Finland, Germany, Indonesia, Japan, Mexico, Namibia, the Netherlands, New Zealand, Portugal, the Republic of Korea and Sweden were invited to participate. Council members, as well as the representative of Belgium, emphasized the importance of the peaceful conduct of the elections to be held on 30 August. They believed that a peaceful, democratic process would be a major first step towards East Timor's independence in a complex process of stabilization in East Timor. Speakers encouraged a spirit of peace, democracy and tolerance throughout the electoral process and beyond, and joined the Secretary-General in supporting the heroic efforts of the East Timorese people and in urging a large voter turn-out.

¹⁹¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹⁹² The representatives of Indonesia and Chile were invited to participate but did not make statements.

¹⁹³ Revolutionary Front for an Independent East Timor.

¹⁹⁴ S/PV.4367, pp. 2-5.

¹⁹⁵ *Ibid.*, p. 6 (United States); p. 10 (Colombia); and p. 16 (Portugal).

¹⁹⁶ *Ibid.*, p. 8.

¹⁹⁷ *Ibid.*, p. 12.

¹⁹⁸ *Ibid.*, p. 6 (Russian Federation); p. 7 (Ireland); p. 8 (Tunisia); p. 9 (Bangladesh); p. 10 (Mali); p. 11

(Mauritius); p. 12 (Ukraine, China); and p. 13 (France).

¹⁹⁹ *Ibid.*, p. 6.

Secretary-General's report on arrangements for that mission. The representative of the United Kingdom underlined that the planning should be done properly, inclusively and in the spirit of the Brahimi report.²⁰⁰

At the 4368th meeting, on 10 September 2001, the President (France) made a statement on behalf of the Council,²⁰¹ by which the Council, *inter alia*:

Warmly welcomed the successful staging on 30 August 2001 of the elections for the first Constituent Assembly of East Timor, in particular the orderly and peaceful conduct of the elections and the very high voter turnout, which had demonstrated the wish of the East Timorese people to establish a full participatory democracy;

Expressed its appreciation of UNTAET for facilitating a smooth and representative election process;

Reiterated the importance of a substantial international presence in East Timor post-independence;

Looked forward to receiving the October report of the Secretary-General focusing on the transition and post-independence periods.

**Decision of 31 October 2001 (4404th meeting):
statement by the President**

On 18 October 2001, the Secretary-General submitted a report on UNTAET,²⁰² in which he provided an assessment of the progress made in the implementation of the mandate of UNTAET and made recommendations for a successor mission to UNTAET, upon independence. He reported that the Constituent Assembly had begun drafting the Constitution and the Second Transitional Government had been appointed. He outlined the progress made in creating a functioning public administration in East Timor, as well as in the development of a sustainable economy and infrastructure. He observed that while militia activity was declining, illegal cross-border trade and theft were on the rise and reports of misinformation and intimidation in the refugee camps persisted. To address the cross-border security issues, UNTAET and the Indonesian Armed Forces had signed a Military Technical Arrangement to promote information-sharing and coordination.

The Secretary-General observed that while East Timor was making progress in the areas of justice and reconciliation, Indonesia had yet to implement the

memorandum of understanding on cooperation in legal, judicial and human rights related matters. Although the jurisdiction of the Ad Hoc Human Rights Tribunal had been expanded, in his view, it remained too restrictive.

On the configuration of the United Nations mission, the Secretary-General reported that in the months leading up to independence, reductions would be implemented in the military, police and civilian components of UNTAET. Following independence, UNTAET would be succeeded by an integrated peacekeeping mission, composed of a military, a civilian police and a civilian component. The mission would focus on providing security; training and advising East Timorese civil servants and police officers; and performing key functions in the administration and government structures, until sufficient local capacities and human resources developed. The Secretary-General emphasized that there should be a progressive transfer of responsibility to the people of East Timor over a period of two years following independence.

At its 4403rd meeting, on 31 October 2001, the Council included in its agenda the above-mentioned report of the Secretary-General.²⁰² The Council was briefed by the Special Representative of the Secretary-General for East Timor; the Chief Minister of the Second Transitional Government of East Timor; the Vice President for External Affairs and United Nations Affairs at the World Bank; and the Associate Administrator of UNDP. In addition to all Council members,²⁰³ statements were made by the representatives of Australia, Belgium (on behalf of the European Union²⁰⁴), Brazil, Brunei Darussalam, Cambodia, Fiji, Indonesia, Japan, Malaysia, Mexico, Mozambique, New Zealand, Papua New Guinea, the Philippines, Portugal, the Republic of Korea and Thailand.

The President (Ireland) drew attention to a letter dated 30 October 2001 from the Secretary-General, transmitting a letter from the speaker of the Constituent Assembly of East Timor.²⁰⁵

The Special Representative of the Secretary-General stated that, following the establishment of the Constituent Assembly, UNTAET had become a mission

²⁰⁰ *Ibid.*, p. 5. For the Brahimi report (report of the Panel on United Nations Peace Operations), see S/2000/809.

²⁰¹ S/PRST/2001/23.

²⁰² S/2001/983 and Corr.1, submitted pursuant to resolution 1338 (2001).

²⁰³ Ireland was represented by its Minister for Foreign Affairs.

²⁰⁴ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁰⁵ Not issued as a document of the Council.

in support of the Government. He expressed hope that the Council would endorse 20 May 2002 as the independence date of East Timor. The 200 days leading up to that date were, in his opinion, crucial in preparing for independence. Ensuring a smooth budgetary transition to a national budget that differed substantially from that maintained under UNTAET was a key task. Moreover, he noted that while substantial progress had been made in the process of transferring governmental functions to the East Timorese, further assistance would be necessary beyond independence to complete that process. With that in view, he focused his briefing on detailing the financial, security, military and civilian components of the proposed successor mission to UNTAET, post independence, stressing that one key component of the successor mission would be the security of the new nation. He observed that, upon independence, the maintenance of internal security would continue to be the primary responsibility of the international civilian police, reduced in size by 25 per cent by the time of independence. As the capacity of the national police service grew, the size of the international component would be reduced. He announced the intention to reduce the military component of UNTAET by 44 per cent, while continuing to ensure effective border security, pending the full establishment and training of the East Timor Defence Force.

Turning to the proposed civilian component of the successor mission, he noted that it would include a human rights presence as well as a Serious Crimes Unit, intended to deal with the crimes committed in 1999. As specified in the report, he referred to the Government's efforts, with the support of UNDP to identify its human resource needs across all ministries. That process had indicated that up to 300 positions would be needed, particularly in areas related to human development and poverty reduction. Of the 300, approximately 100 core functions had been identified as critical to the viability and political stability of the Government as a whole and would be dependent on international expertise in the areas of finance, legal and justice systems infrastructure, and basic regulatory, administrative, and central logistical systems. Given that those functions were essential, he underlined the need for them to be funded for a specific period of time through the assessed budget.²⁰⁶

The Chief Minister of the Second Transitional Government of East Timor stressed that despite the achievements of UNTAET, its mandate would not be

fully realized by the date of independence. The priority for East Timor was to continue the process of institution-building in order for UNTAET to effectively and systematically transfer its administrative functions to the independent Government. He requested the Council to continue to support that transition up to and beyond independence. He held that, in view of the experience of other countries in similar positions, such assistance to the successor mission should be guaranteed through mandatory assessed contributions. The Government would also continue to pursue assistance in meeting its needs from bilateral, multilateral and other United Nations specialized agencies.²⁰⁷

The Vice President for External Affairs and United Nations Affairs at the World Bank stressed that institutional and human capacity-building would require a strategic approach and coordination of multiple donor organizations. He further noted that a large number of the civilian positions proposed in the successor mission fell within the finance sector and were critical to avoiding the risk of a collapse of state services in the period immediately after independence. Nonetheless, the UNTAET-administered consolidated fund for East Timor and the Trust Fund for East Timor of the International Development Association currently had a substantial funding gap and financing difficulties would extend beyond independence, until the Timor Sea hydrocarbon revenues became more substantial. The next donors' meeting, scheduled for December 2001 in Oslo, would seek to provide a platform to initiate donor discussions on the medium-term programme of support for a post-independent East Timor.²⁰⁸

The Associate Administrator of UNDP elaborated on the technical study undertaken by UNDP of the human resource needs in the short to medium term. He stated that the United Nations agencies, funds and programmes had only limited financial resources of their own and that East Timor would therefore have to rely on additional contributions from bilateral and other donors. Expressing the hope that the Council would find the means to guarantee that the United Nations could complete its task in East Timor, he reiterated the commitment of UNDP to complement those efforts through the implementation of programmes for developing the fledgling civil service and for long-term capacity-building.²⁰⁹

²⁰⁷ Ibid., pp. 8-12.

²⁰⁸ Ibid., pp. 12-13.

²⁰⁹ Ibid., pp. 13-15.

²⁰⁶ S/PV.4403, pp. 3-8.

Speakers endorsed the report and recommendations of the Secretary-General. While applauding the progress made by UNTAET during the past two years, they concurred that the role of UNTAET, as mandated by resolution 1272 (1999), would not have been completed upon independence. Consequently, they stressed the need for an international presence in East Timor well beyond the transition of political authority. Most speakers cautioned against premature withdrawal and called for an exit strategy to be contingent on the development of local capacity in the fields of security, law and order, justice, governance and public service.

Most speakers expressed support for the recommendations contained in the report, suggesting the establishment of a United Nations successor mission to take the form of an integrated peacekeeping operation, mandated by the Council. Several representatives held that the Council's clear endorsement of the Secretary-General's recommendations was important for ensuring a smooth transition to independence.²¹⁰ The representative of the Russian Federation underlined that the report provided a good first step, but called for more detailed, substantive recommendations.²¹¹ Similarly, the representative of Japan had hoped for a more detailed plan for the future mission, and urged the Council to provide an early and clear indication regarding the continued United Nations presence.²¹²

On the civilian component of the successor mission, the majority of speakers supported the recommendation that the 100 core functions be funded through assessed contributions. The representative of the United Kingdom expressed hope that the correct use of assessed contributions for those key posts would not discourage others from coming forward with voluntary contributions to the post-independence Timor. He held it was in the interest of all to move to more conventional methods of development assistance as soon as was sustainable and not before.²¹³

Many speakers stressed the need for continued support to the judiciary and human rights issues in the successor mission. They also welcomed the establishment of the Commission for Reception, Truth and Reconciliation, as well as the decision by the Government of Indonesia to expand the jurisdiction of the Ad Hoc Human Rights Tribunal. Several

representatives highlighted the need to prosecute perpetrators of war crimes and other heinous acts in order to maintain law and order, fight impunity and promote reconciliation.²¹⁴ The representative of Norway urged the Council to renew its commitment to bringing to justice those responsible for the 1999 serious crimes.²¹⁵ The representatives of Jamaica and Belgium, the latter speaking on behalf of the European Union, hoped that the Indonesian Supreme Court would soon undertake a review of the verdicts for the killing of three UNHCR staff members.²¹⁶

Stressing the importance of good relations between East Timor and Indonesia, speakers welcomed the informal high-level contacts between the two neighbours. They also expressed concern at reports of militia activities in West Timor, but welcomed the number of refugees returning to East Timor. Several representatives underlined the importance of a swift conclusion of a memorandum of understanding between the United Nations and the Government of Indonesia, which would allow for the return of humanitarian agencies to West Timor.²¹⁷

The representative of Indonesia underlined the importance of strengthening relations with East Timor and looked forward to holding a bilateral meeting in the near future on ways to resolve outstanding issues and establishing a sound basis for future relations. One positive development, he noted, had been the recent signing of a bilateral agreement on the demilitarization of their respective borders. He also referred to his Government's efforts to repatriate refugees, expand the jurisdiction of the Ad Hoc Human Rights Tribunal, and resolve other outstanding issues.²¹⁸

The majority of speakers stressed the need for simultaneous involvement of and close coordination among multilateral and bilateral donors to allow for effective and coherent support for East Timor, as the focus of the work in East Timor shifted even more from peacekeeping to peacebuilding, and to prepare for a

²¹⁰ S/PV.4403 (Resumption 1), p. 11 (Australia); p. 15 (Brazil); p. 19 (Malaysia); and p. 25 (New Zealand).

²¹¹ S/PV.4403, p. 22.

²¹² S/PV.4403 (Resumption 1), p. 9.

²¹³ S/PV.4403, p. 25.

²¹⁴ *Ibid.*, p. 19 (Jamaica); pp. 25-26 (United Kingdom); and p. 29 (Colombia); and S/PV.4403 (Resumption 1), p. 7 (Belgium on behalf of the European Union); and pp. 8-9 (Portugal).

²¹⁵ S/PV.4403, p. 28.

²¹⁶ *Ibid.*, p. 19 (Jamaica); and S/PV.4403 (Resumption 1), p. 7 (Belgium on behalf of the European Union).

²¹⁷ *Ibid.*, p. 18 (Jamaica); S/PV.4403 (Resumption 1), p. 6 (Belgium on behalf of the European Union); p. 15 (Brazil); and p. 17 (Republic of Korea).

²¹⁸ S/PV.4403 (Resumption 1), pp. 21-22.

smooth transition to more traditional development assistance. The representatives of the United Kingdom and the United States underlined the uniqueness of the case of East Timor as a reason for temporary funding through assessed contributions.²¹⁹

At the 4404th meeting, on 31 October 2001, at which the Council continued its consideration of the Secretary-General's report on UNTAET dated 18 October 2001,²²⁰ the President (Ireland)²²¹ made a statement on behalf of the Council,²²² by which the Council, *inter alia*:

Welcomed the political progress achieved to date towards establishing an independent East Timorese state and endorsed the Constituent Assembly's recommendation that independence be declared on 20 May 2002;

Agreed with the Secretary-General's assessment that the United Nations should remain engaged and that UNTAET be extended until independence;

Endorsed the recommendations of the Secretary-General for a continued and reduced United Nations integrated mission in the post-independence period, headed by a Special Representative and comprising a military component, a civilian police and a civilian component;

Looked forward to receiving information on financial implications and a detailed assessment of shared responsibilities on the follow-on mission.

**Decision of 31 January 2002 (4463rd meeting):
resolution 1392 (2002)**

On 17 January 2002, the Secretary-General submitted a report on UNTAET,²²³ by which he informed the Council of the progress made in establishing a public administration, improving the security situation and implementing policies designed to promote economic and social development. Noting that the process of reviewing the draft Constitution had been extended by five weeks beyond the initial 90-day deadline, he indicated that the text would provide for the establishment of a unitary democratic state, with representative organs elected through direct and universal suffrage. The presidential election would be held in April 2002 and, despite calls for new legislative elections, the Constituent Assembly was considering

transforming itself into a legislative body, as envisaged. Progress also continued to be made in the bilateral relations between East Timor and Indonesia and formal steps had been taken towards the accession of East Timor to ASEAN, upon independence. While noting that militia sightings had been few, the Secretary-General cautioned that hard-line militias might still pose a long-term threat to East Timor. Furthermore, the illegal markets operating near the border were of increasing concern. He reported that, despite continued misinformation and intimidation in the refugee camps, the rate of refugee returns had accelerated. While efforts were made to promote reconciliation and justice in East Timor, he indicated that the Indonesian authorities had yet to provide a positive response to requests made under the memorandum of understanding on judicial, legal and human rights related matters.

The Secretary-General reiterated that the achievement of the objectives set by the Council required the continued presence of a peacekeeping operation beyond independence. In his view, a smooth transition would require a phased drawdown of international staff; incorporation of essential common services within the Government and a transfer of United Nations assets; transfer of some residual functions of government from UNTAET; development of essential legislative and procedural machinery; and recruitment of civilian advisers for the post-independence Government. He noted that the reduction of troops and civilian staff was under way and that planning for the successor mission was continuing. In the meantime, he recommended that the Council extend the current mandate of UNTAET until the date of independence.

At its 4462nd meeting, on 30 January 2002, the Council included in its agenda the above-mentioned report of the Secretary-General.²²³ The Council was briefed by the Special Representative of the Secretary-General for East Timor. Statements were made by all Council members,²²⁴ the representatives of Australia,²²⁵ Bangladesh, Brazil, Fiji, Japan, Indonesia, New Zealand, the Philippines, Portugal, the Republic of Korea and Spain (on behalf of the European Union²²⁶), and the Senior Minister for Foreign Affairs and Cooperation of East Timor, Mr. José Ramos-Horta.

²¹⁹ S/PV.4403, p. 25 (United Kingdom); and p. 26 (United States).

²²⁰ S/2001/983 and Corr.1.

²²¹ Ireland was represented by its Minister for Foreign Affairs.

²²² S/PRST/2001/32.

²²³ S/2002/80 and Corr.1, submitted pursuant to resolution 1338 (2001).

²²⁴ Ireland was represented by its Minister of State for Foreign Affairs.

²²⁵ Australia was represented by its Prime Minister.

²²⁶ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

Providing an update on the preparations for Independence Day in East Timor, to be held on 20 May 2002, the Special Representative of the Secretary-General highlighted the progress made by the Constituent Assembly in reviewing and approving most of the draft constitution. He informed the Council of his decision to approve a request to extend the consultation process until 9 March. He also noted that, on 14 April, the people of East Timor would go to the polls to elect their first President in elections that would be run predominantly by the East Timorese. The newly elected President would be inaugurated on Independence Day.

Turning to East Timor's relations with regional neighbours, he drew attention to positive progress in cementing relations between East Timor and Indonesia and in resolving outstanding issues. He stated that, at the end of February 2002, East Timor and Indonesia would hold high-level talks, to be followed by trilateral talks when those two countries were joined by Australia.

He further noted that the security situation remained stable: the East Timor police service had been developing well under the guidance of the United Nations civilian police and progress had also been made in the establishment of an East Timor Defence Force. Nonetheless, until substantial progress had been made in the development of both institutions, an international civilian police and military presence would be required.

On the matter of national reconciliation, the Special Representative reported that he had recently sworn into office seven National Commissioners of the Commission for Reception, Truth and Reconciliation. He called attention to the fragility of the nascent justice system and the underlying need for sustained international support toward its development beyond independence. He also reported on developments in Indonesia in that regard, relating to the Ad Hoc Human Rights Tribunal, the Supreme Court, and progress in several investigations. Elaborating on progress in the number of refugee returns and efforts under way to encourage up to 60,000 refugees remaining in West Timor to return prior to independence, he noted that among the obstacles to their return fear of intimidation and various economic factors remained significant deterrents.

The Special Representative expressed hope that the Council would consider and approve the framework for a successor mission, contained in the Secretary-General's report.²²⁷ He indicated that the mission's

civilian activities would focus on core functions in public administration, and provide assistance to serious crimes investigations and human rights mainstreaming. As for the police component, the international police commissioner would unprecedentedly have the overall command of the East Timorese police and the United Nations civilian police, as a means to ensure a coordinated police response in the field. The expectation was, he said, that a gradual handover of police activities to the East Timor Police Service would be completed by January 2004. Similarly, there would be a timely handover of responsibilities from the military component to the East Timor Defence Force, and efforts were under way to reach an agreement on the relationship between the two. He added that the military component, responsible for external security and territorial integrity would be reduced as national border control regimes were put in place. At the same time, he informed of an ongoing process towards reducing the size of UNTAET by 75 per cent prior to independence, but stressed the need to minimize the trauma to East Timor caused by the replacement of UNTAET by a much smaller mission. In closing, he expressed the hope that the Council would approve the Secretary-General's proposal to extend the mandate of UNTAET until 20 May 2002.²²⁸

Speakers commended the work of the Constituent Assembly in drafting the Constitution for an independent East Timor and expressed the hope that the final Constitution would be based on the broadest possible popular consultations. They also welcomed the announcement regarding the date of the presidential elections, as well as the role that would be assumed by the East Timorese. They urged all parties to conduct the election campaign in a peaceful and transparent manner. Drawing attention to incidents of political violence, the representative of Spain, speaking on behalf of the European Union, stressed the importance of appropriate channels for expressing political dissent.²²⁹

Many representatives expressed the hope that Indonesia and East Timor would work to improve links and to resolve outstanding bilateral issues, including the delineation of the border and cooperation on bringing to justice those responsible for serious crimes. The representative of Indonesia reaffirmed his Government's commitment and support for East Timor and its

²²⁷ S/2002/80 and Corr.1, annex.

²²⁸ S/PV.4462, pp. 2-9.

²²⁹ S/PV.4462 (Resumption 1), p. 2.

willingness to explore ways to resolve the outstanding and wider issues of interest to both parties.²³⁰

Mindful of the number of refugees still remaining in West Timor, the representative of the United Kingdom, joined by the representative of Cameroon, called on Indonesia and East Timor to finalize the memorandum of understanding to enable international agencies to return to East Timor and facilitate the resettlement of the remaining refugees.²³¹ Speaking on behalf of the European Union, the representative of Spain held that efforts should continue to be made to promote cross-border contacts, increase mutual confidence and resolve the problem of the payment of pensions.²³²

Several speakers noted the continuing risk of instability and stressed the need to promote reconciliation and justice and welcomed the progress in establishing the Commission for Reception, Truth and Reconciliation.²³³ Several representatives welcomed the establishment of the Ad Hoc Human Rights Tribunal in Indonesia and expressed the hope that the trials would begin shortly.²³⁴ The representative of Spain reiterated a call by the European Union for Indonesia to urgently make the court operational and fully mandated in line with international standards and with jurisdiction over all human rights violations.²³⁵

The representative of Indonesia stressed the importance of reconciliation and welcomed dialogue sessions among the different groups of East Timorese as well as the closer coordination between the Indonesian military and the peacekeeping forces. He reiterated his Government's assurances that justice would be upheld, pointing to the appointment of judges for the Ad Hoc Human Rights Tribunal, which was expected to commence its work the following month. While expressing respect for the independence of his country's judicial system, he also welcomed the revised

sentencing by the Supreme Court in connection with the killings of three UNHCR staff members.²³⁶

While characterizing the achievements in East Timor as a United Nations success story, most speakers concurred that it was critical that the United Nations stay the course, solidifying its successes through the creation of a competent and self-reliant East Timor. The cumulative attainment of that goal over a defined period of time would provide the United Nations with a viable exit strategy. To that end, they expressed support for the Secretary-General's recommendations to extend the mandate of UNTAET until 20 May 2002 and endorsed the proposed framework for the successor mission. Speakers looked forward to more specific proposals, so that the Council could consider the mandate of the new mission well in advance of independence. The representative of the Russian Federation, however, voiced his concern that the Council had not been given a "unified, comprehensive concept of future international assistance".²³⁷

Referring to the issue of post-independence assistance to East Timor, several speakers noted the importance of involving a broad spectrum of organizations and agencies from within the United Nations system, as well as regional structures, international financial institutions and individual donor countries.²³⁸

The representative of the United States stressed the need for the downsizing of the United Nations presence to stay on track in order to reach the goal of zero peacekeeping finance support by mid-2004 and expressed support for plans to gradually downsize UNTAET military and police components in the time leading up to independence.²³⁹ The representative of Mexico, echoed by the representative of France, underlined the importance of consulting troop-contributing countries on the reconfiguration of UNTAET, before and after independence.²⁴⁰ Similarly, the representative of the Russian Federation held the view that the scale, configuration and time frame for the future international presence should be determined by analysing the real needs of East Timor, the pace of

²³⁰ Ibid., p. 14.

²³¹ S/PV.4462, p. 11 (United Kingdom); and p. 21 (Cameroon).

²³² S/PV.4462 (Resumption 1), p. 3.

²³³ S/PV.4462, p. 13 (Ireland); p. 17 (Norway); p. 22 (Guinea); and p. 27 (Mauritius); S/PV.4462 (Resumption 1), p. 3 (Spain on behalf of the European Union).

²³⁴ S/PV.4462, p. 18 (Mexico); p. 26 (Mauritius); S/PV.4462 (Resumption 1), p. 3 (Spain on behalf of the European Union).

²³⁵ S/PV.4462 (Resumption 1), p. 3.

²³⁶ Ibid., pp. 13-15.

²³⁷ S/PV.4462, p. 20.

²³⁸ Ibid., pp. 18-19 (Mexico); and p. 25 (France); S/PV.4462 (Resumption 1), p. 9 (Republic of Korea).

²³⁹ S/PV.4462, pp. 14-15.

²⁴⁰ Ibid., p. 18 (Mexico); and p. 25 (France).

developments on the ground, and by taking full account of the position of the Government of that country.²⁴¹

Mr. Ramos-Horta drew attention to the many positive developments in East Timor including the low level of crime, preparations of the East Timorese Police Service and Defence Force, refugee returns, bilateral relations with Indonesia and the wider region, justice and reconciliation, negotiations on the Constitution and preparations for the presidential elections. At the same time, while welcoming the downsizing of UNTAET over the coming months, he expressed concern at the ability of some former militia elements to destabilise the country. He therefore welcomed the Secretary-General's proposals for the successor mission and expressed the hope that the Council would endorse that proposal.²⁴²

At its 4463rd meeting, on 31 January 2002, the Council again included in its agenda the report of the Secretary-General of 17 January 2002.²⁴³ The President (Mauritius) drew attention to a draft resolution;²⁴⁴ it was adopted unanimously and without debate as resolution 1392 (2002), by which the Council, *inter alia*, decided to extend the current mandate of UNTAET until 20 May 2002 and to remain seized of the matter.

**Decision of 17 May 2002 (4534th meeting):
resolution 1410 (2002)**

On 17 April 2002, the Secretary-General submitted a report on UNTAET,²⁴⁵ detailing the progress made towards the independence of East Timor, as well as the challenges to the short- and long-term security and stability of the new State. The Secretary-General observed that on 22 March 2002 the Constituent Assembly had signed the text of the Constitution of the Democratic Republic of East Timor, which would come into force on 20 May 2002. He added that the presidential election had been held on 14 April in a peaceful and orderly manner. Outlining the continued progress in establishing the public administration for an independent East Timor, the Secretary-General reported that recruitment, training and capacity-building had taken longer than anticipated and continued to create obstacles to the effective functioning of the bureaucracy, including the judiciary. Detailing the progress in

establishing the East Timor Police Service and Defence Force, he noted concerns that the Constitution made provision for the coexistence of police and "other security groups" and promised that the presence of such groups, primarily made up of disenfranchised former FALINTIL fighters, would be kept under close review. While stating that good cooperation between UNTAET and the Indonesian Armed Forces had contributed to a decline in militia activity, he warned that hard-core militia elements remained a potential threat and that illegal markets continued to operate on the borders. The Secretary-General observed that Indonesia had resumed food aid to the most vulnerable groups following reports of malnutrition and agreed to make back payments of pensions to former employees of the Indonesian civil service, police and armed forces in East Timor. Noting that the Ad Hoc Human Rights Tribunal had begun its first trials, he expressed regret that the Government of Indonesia had not expanded the jurisdiction of the tribunal beyond the period from April to September 1999 and the districts of Liquica, Dili and Cova Lima.

The Secretary-General outlined his plan for a continued, though reduced United Nations peacekeeping operation, which would be built on a milestone-based approach, allowing for gradual withdrawal over a two-year period. He proposed the establishment of a United Nations Mission of Support in East Timor (UNMISSET) to be based on three pillars, namely, (1) stability, democracy and justice, including support for the post-independence public administration and assistance for serious crimes investigations and proceedings; (2) internal security and law enforcement, consisting of both executive policing and support for the development of the East Timor Police Service; and (3) external security and border control, including support for external security and territorial integrity and assistance to the development of border security and control. All functions would be gradually handed over to the appropriate domestic authorities as local capabilities were developed.

At its 4522nd meeting,²⁴⁶ on 26 and 29 April 2002, the Council included in its agenda the above-mentioned report of the Secretary-General.²⁴⁵ The Council was briefed by the Secretary-General and the Assistant Secretary-General for Peacekeeping Operations. Statements were made by all Council members, the representatives of Australia, Brazil, Chile, Egypt, Fiji,

²⁴¹ *Ibid.*, p. 20.

²⁴² *Ibid.*, pp. 27-30.

²⁴³ S/2002/80 and Corr.1.

²⁴⁴ S/2002/130.

²⁴⁵ S/2002/432 and Add.1, submitted pursuant to resolution 1392 (2002).

²⁴⁶ For more information on the discussion at this meeting, see chap. I, part V, case 7, with regard to special cases concerning the application of rules 27-36 of the provisional rules of procedure.

Indonesia, Japan, Malaysia, New Zealand, the Philippines, Portugal, the Republic of Korea, Spain (on behalf of the European Union²⁴⁷), Thailand and Ukraine, and Mr. Xanana Gusmão, President-Elect of East Timor, and Mr. Mari Alkatiri, Chief Minister of East Timor.

In his introductory statement, the Secretary-General, *inter alia*, appealed to Member States to support the follow-on peacekeeping presence in East Timor and to continue to provide budgetary assistance and investments for sustainable growth. He also called on the Government of East Timor to maintain close cooperation with Indonesia, particularly in order to ensure timely agreement on the delimitation of the border, on the situation of the remaining refugees in West Timor, and on cooperation in prosecuting those accused of serious crimes committed in 1999.²⁴⁸

Introducing the Secretary-General's report, the Assistant Secretary-General for Peacekeeping Operations elaborated on the plans for the successor mission to East Timor, UNMISSET. He noted that the mission would render support in public administration, law and order, and external security, and pointed out that the report had defined specific benchmarks that would allow a progressive reduction of the United Nations presence.²⁴⁹

The President-Elect of East Timor outlined the challenges that would face the nascent state of East Timor and appealed to the international community for financial support and expertise. He highlighted the need to consolidate the core democratic institutions of the country, enhance the capacity and transparency of political institutions and the administrative apparatus and achieve appropriate developments in the areas of law and order.²⁵⁰

The Chief Minister of East Timor stressed that the Government's priorities, as identified in the National Development Plan, would concentrate on: education and the eradication of illiteracy; health; housing; and the development of agriculture. He appealed to the international community for support, especially in the next three years before the first revenues could be expected from the gas and petroleum developments in the Timor Sea. He also emphasized the importance of a

continued peacekeeping presence and of fostering good relations with neighbouring States as a means to improve the security of the country.²⁵¹

Speakers applauded the recent positive developments in East Timor as outlined in the Secretary-General's report, including the adoption of the constitution, the 14 April election of Mr. Gusmão and the rehabilitation of infrastructure. They also recognized the need for further international assistance to the new administration to consolidate the gains already made, particularly in the areas of security and administrative services. Speakers stressed that continued donor support would be essential in that regard, and many recognized the need to ensure coordination among the different agencies and bilateral donors.

Speakers expressed support for the Secretary-General's recommendations for the establishment of UNMISSET, commending the proposed focus on public administration, law and order and security as well as the establishment of clear benchmarks for a gradual withdrawal of the mission. A number of speakers stressed that the timetable of UNMISSET should be determined by realities on the ground.²⁵² The representatives of Portugal and Australia cautioned that East Timor would continue to face significant security and social risks as the international presence was reduced.²⁵³

Many representatives stressed the importance of developing the East Timor Police Service and Defence Force. They also expressed concern about the slow development of the judiciary and called for capacity-building to ensure progress in the provision of justice and accountability.

Welcoming the envisaged close relationship between UNMISSET and the wider United Nations system in East Timor, many speakers stressed the need for continuing multilateral and bilateral development assistance and expressed the hope for sustained donor engagement. Many representatives noted that additional donor support could hasten the achievement of benchmarks and hence the withdrawal of UNMISSET. While welcoming the improved relations between East Timor and Indonesia and the increase in refugee returns, several speakers stressed the need to address outstanding

²⁴⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁴⁸ S/PV.4522, pp. 2-3.

²⁴⁹ *Ibid.*, pp. 3-6.

²⁵⁰ *Ibid.*, pp. 6-8.

²⁵¹ *Ibid.*, pp. 9-10.

²⁵² *Ibid.*, p. 17 (Singapore); p. 20 (France); p. 25 (Ireland); pp. 28-29 (Portugal); p. 30 (Spain on behalf of the European Union); and p. 32 (Australia); S/PV.4522 (Resumption 1), pp. 4-5 (Brazil).

²⁵³ S/PV.4522, p. 29 (Portugal); and p. 32 (Australia).

bilateral problems, including border demarcation; judicial cooperation; prosecution for serious crimes; and improvement of the refugee situation.²⁵⁴

Calling for a comprehensive solution to the issue of refugees, the representative of Indonesia called for a positive response from the international community to the joint Indonesia/United Nations appeal on solutions for East Timorese refugees. He said the use of the term “militias” in the Secretary-General’s report gave an inaccurate impression that lawlessness existed at the border and questioned the report’s depiction of criminal activity absent of any concrete evidence. He was of the opinion that border agreements should not be tied to security issues, or to the downsizing of UNMISSET, and reaffirmed his Government’s readiness to work in a spirit of cooperation and amity toward building a peaceful and sustainable society in East Timor.²⁵⁵

At its 4534th meeting, on 17 May 2002, the Council continued its consideration of the report of the Secretary-General dated 17 April 2002.²⁵⁶ The President (Singapore) drew attention to a draft resolution;²⁵⁷ it was adopted unanimously and without debate as resolution 1410 (2002), by which the Council, *inter alia*:

Decided to establish, as of 20 May 2002 and for an initial period of 12 months, a United Nations Mission of Support in East Timor;

Decided also that the mandate of the Mission should consist of the following elements: (a) to provide assistance to core administrative structures critical to the viability and political stability of East Timor; (b) to provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service; (c) to contribute to the maintenance of the external and internal security of East Timor;

Decided that UNMISSET would be headed by a Special Representative of the Secretary-General and would consist of a civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a civilian support group of up to 100 personnel filling core functions, a serious crimes unit and a human rights unit; a civilian police component initially comprising 1,250 officers; and a military component with an initial strength of up to 5,000 troops, including 120 military observers;

²⁵⁴ *Ibid.*, p. 15 (Bulgaria); p. 18 (Mexico); p. 21 (Norway); pp. 25-26 (Ireland); and pp. 30-31 (Spain on behalf of the European Union).

²⁵⁵ S/PV.4522 (Resumption 1), pp. 12-13.

²⁵⁶ S/2002/432 and Add.1.

²⁵⁷ S/2002/539.

Decided that internationally accepted human rights principles should form an integral part of training and capacity-building carried out by UNMISSET under paragraph 2 of the resolution;

Authorized UNMISSET, under Chapter VII of the Charter of United Nations, to take the necessary actions, for the duration of its mandate, to fulfil its mandate, and decided to review this issue and all other aspects of the mandate of UNMISSET after 12 months;

Decided that progress towards achievement of the milestones of the mandate implementation plan should be kept under review and that downsizing of UNMISSET should proceed as quickly as possible, after careful assessment of the situation on the ground;

Decided further that UNMISSET would, over a period of two years, fully devolve all operational responsibilities to the East Timorese authorities.

Decision of 20 May 2002 (4537th meeting): statement by the President

At its 4537th meeting,²⁵⁸ held on 20 May 2002 to celebrate the independence of East Timor, the Council again included in its agenda report of the Secretary-General, dated 17 April 2002.²⁵⁹ The Council was briefed by the Deputy Secretary-General. Statements were made by all Council members,²⁶⁰ and the representatives of Australia, Brazil, Brunei Darussalam, Costa Rica (on behalf of the Rio Group), Cuba, Indonesia, Jamaica (on behalf of the Caribbean Community), Japan, Malaysia, Nepal, New Zealand, the Philippines, Portugal, the Republic of Korea, Spain (on behalf of the European Union²⁶¹), Thailand, Ukraine and Venezuela.

The Deputy Secretary-General extended congratulations to the people of East Timor and noted that the international community would work with its leaders to strengthen the democratic institutions that had been established and to promote the social and economic development of the country. She paid tribute to Indonesia and Portugal in the signing of the Agreement of 5 May, welcomed the attendance of the President of Indonesia, Megawati Sukarnoputri, at the independence

²⁵⁸ For more information on the discussion at the meeting, see chap. XII, part I, sect. A, case 1, with regard to Article (2) of the Charter.

²⁵⁹ S/2002/432 and Add.1.

²⁶⁰ Singapore was represented by its Minister for Foreign Affairs.

²⁶¹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

ceremonies in Dili, and stressed that East Timor's cooperation with its neighbours would be crucial to its long-term stability and prosperity. She further urged the international community to remain generously committed to East Timor in the future and maintained that the Council's decision to authorize a multidimensional follow-on operation, UNMISSET, was a clear demonstration of its conviction that there must be "no exit without strategy". In closing, she reported that the Secretary-General had received from the Prime Minister and Foreign Minister of East Timor an application for membership in the United Nations. That request would be presented to the Council, in accordance with the established procedure, for its consideration.²⁶²

Speakers welcomed the declaration of independence and congratulated the people and Government of East Timor on the result of their struggle for self-determination as well as the international community, particularly the United Nations, for its successful state- and nation-building in East Timor. Many speakers highlighted the cooperation extended by Indonesia and applauded the presence of the President of Indonesia at the independence ceremony in Dili. Most representatives commended the peaceful and democratic means by which East Timor had achieved independence and were looking forward to East Timor joining the United Nations. At the same time, they cautioned that major challenges remained ahead for East Timor. Welcoming the authorization of UNMISSET, members emphasized the need for sustained bilateral and multilateral assistance to East Timor in the years ahead to safeguard and further build on progress already made. In addition to calls for assistance for capacity-building and sustainable development, many representatives stressed the need to continue to make progress on reconciliation and justice and welcomed the improved relations between East Timor and Indonesia. The representatives of Portugal and Costa Rica stressed the need to prioritize the promotion of democratic practices and respect for human rights, the latter encouraging East Timor to abolish its Defence Force and reallocate the resources to social and economic development.²⁶³

Many representatives characterized the situation in East Timor as a success story for the United Nations and commended the successive United Nations missions in East Timor and the Security Council for having demonstrated the abilities of the organization. The

representatives of Australia and the Philippines pointed out that in East Timor the United Nations had implemented new approaches to peacekeeping and peacebuilding, including the establishment of clear, credible and achievable mandates, clear exit-strategies and coordination with the wider United Nations family.²⁶⁴

At the same meeting, the President (Singapore) made a statement on behalf of the Council,²⁶⁵ by which the Council, *inter alia*:

Welcomed the attainment of independence by East Timor on 20 May 2002;

Affirmed its commitment to the sovereignty, political independence, territorial integrity and national unity of East Timor within its internationally recognized boundaries;

Expressed its strong support for the leadership of East Timor as it assumed authority for governing the new, sovereign State of East Timor; and its concern that challenges to the security and stability of East Timor remained after independence;

Expressed its confidence that UNMISSET, established by resolution 1410 (2002), would help to consolidate and strengthen a stable environment in East Timor;

Appealed to Member States to respond positively to the urgent appeal of the Secretary-General to fill vacancies in the Civilian Support Group;

Also urged Member States and other actors to respond positively to the appeals for assistance in the development of the East Timor defence force, police service and justice sector, and in supporting social and economic development and poverty reduction;

Looked forward to the day in the near future when East Timor would become a Member of the United Nations.

**Decision of 4 April 2003 (4735th meeting):
resolution 1473 (2003)**

At its 4646th meeting,²⁶⁶ on 14 November 2002, the Council included in its agenda the report of the Secretary-General on UNMISSET dated 6 November 2002.²⁶⁷ The Secretary-General noted that, on

²⁶⁴ *Ibid.*, p. 4 (Australia); and p. 13 (Philippines).

²⁶⁵ S/PRST/2002/13.

²⁶⁶ At the 4598th meeting, held in private on 13 August 2002, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations. The Assistant Secretary-General, Council members and the representatives of Brazil, India, Indonesia, Japan and Portugal had a constructive exchange of views.

²⁶⁷ S/2002/1223, submitted pursuant to resolution 1410 (2002).

²⁶² S/PV.4537, pp. 2-3.

²⁶³ *Ibid.*, p. 9 (Portugal); and pp. 10-11 (Costa Rica).

27 September 2002, Timor-Leste (former East Timor) had been admitted to membership in the United Nations by the General Assembly.²⁶⁸ He indicated that, since independence, the leaders of Timor-Leste had sought to promote a broad-based democracy. However, the country's emerging institutions remained fragile and would require international assistance. While some unrest had ensued due to rising dissatisfaction by former combatants and veterans, the Government was seeking to address the issues through dialogue. As for relations with Indonesia, he highlighted the creation of the Joint Ministerial Commission for Bilateral Cooperation to address issues of mutual concern. Stressing the importance of justice and accountability, he recalled that the United Nations High Commissioner for Human Rights had expressed concern at the proceedings of Ad Hoc Human Rights Tribunal set up by the Government of Indonesia. Outlining the progress made by UNMISSET in its mandate implementation plan, he noted that, while the civilian support group was addressing gaps in key areas, the justice sector continued to lack behind. As for internal security, the transfer of policing responsibilities and the downsizing plan for the UNMISSET police was proceeding according to the schedule. Furthermore, while the overall external security and border control situation continued to improve, the refugee problem and the situation with regard to border demarcation and control remained of concern. The Secretary-General stressed the need for donor assistance in key areas to enable the completion of the mandate implementation plan and the smooth transition to traditional development assistance.

At the meeting, the Council was briefed by the new Special Representative of the Secretary-General for Timor-Leste. Statements were made by all Council members, and the representatives of Australia, Chile, Denmark (on behalf of the European Union²⁶⁹), Fiji (on behalf of the Pacific Islands Forum), India, Indonesia, Japan, New Zealand, Portugal, the Republic of Korea, Thailand, Timor-Leste and Ukraine.

The Special Representative of the Secretary-General elaborated on the Secretary-General's report, drawing attention to the many challenges facing Timor-Leste, concerning, *inter alia*, the rule of law, social and

economic development, and institution building. He stressed that UNMISSET played a crucial role in nation building, while at the same time carrying out its mandate with regard to external and internal security and public administration. Its goal was to enable Timor-Leste to emerge as a state in full possession of all attributes of sovereignty, stability and prosperity, he said. In that regard, and in order for UNMISSET to achieve the objectives outlined by resolution 1410 (2002), and remain on schedule according to the draw-down schedule, he reiterated the Secretary-General's appeal for sustained international assistance, particularly in the key areas of public administration, justice, corrections, police, border control and defence. In closing, he noted that the shadow of terrorism had fallen over the region and had added to the security challenge already facing Timor-Leste. To meet that challenge, external expertise had to be made available.²⁷⁰

Welcoming the progress achieved in Timor-Leste and paying tribute to the new Government, the Special Representative and UNMISSET in that regard, speakers drew attention to the remaining challenges for Timor-Leste and made an emphatic call on the international community for sustained and increased financial and technical support and assistance.

As for the first pillar of the mandate of UNMISSET — stability, democracy and justice — most speakers welcomed the progress made in capacity-building and the handing over of administrative responsibilities to the authorities of Timor-Leste, and applauded the Government for its inclusive political approach and emphasis on dialogue and human rights. A number of representatives remained concerned about dissatisfaction among former freedom fighters and veterans, and stressed the need to address their grievances.²⁷¹

Speakers took note of concerns expressed in the Secretary-General's report concerning the development of the justice system, human rights and the rule of law. They commended the work of the Commission for Reception, Truth and Reconciliation and underlined the need to bring those responsible for the 1999 violence to justice. They expressed serious concern at shortcomings in the judicial system and stressed the importance of ensuring an independent judiciary and addressing the problems in the prison system, particularly the detention of prisoners without trial. The representatives of the United States and Singapore drew attention to the lack

²⁶⁸ For information on the action of the Council with regard to the admission of Timor-Leste to membership in the United Nations, see chapter VII.

²⁶⁹ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

²⁷⁰ S/PV.4646, pp. 2-5.

²⁷¹ *Ibid.*, p. 16 (Singapore); and p. 18 (Colombia).

of clarity regarding the separation of powers among the judiciary.²⁷²

Regarding the second pillar — internal security and law enforcement — speakers welcomed reports that a number of districts were now under the control of the new Timor-Leste Police Service, which boded well for the scheduled transfer of such responsibilities to the Timorese by January 2004. Taking note of the Secretary-General's recommendation for more resources for the Timor-Leste police force, the representative of New Zealand emphasized the importance of confidence in law enforcement and in the judicial system for a safe and stable environment, and the representative of Australia stressed the need for a more strategic and coordinated approach to strengthening the police.²⁷³

Concerning external security, the third pillar, many speakers emphasized the positive developments as a result of the work of the Government of Timor-Leste, UNMISSET and the Indonesian armed forces. Cooperation among the three structures had made it possible to improve and ensure a climate of stability and security with West Timor. They encouraged Indonesia and Timor-Leste to continue to make progress towards the delineation of their common border, expressing the hope that such progress would enable UNMISSET to reduce its presence within a reasonable time period, as called for by the Council. The representative of Indonesia reiterated his Government's commitment to resolving the border issue and elaborated on the work of the Joint Ministerial Commission for Bilateral Cooperation.²⁷⁴ Speakers also welcomed Timor-Leste's efforts to establish diplomatic relations with almost all States members of ASEAN, and its new membership of the Community of Portuguese-speaking Countries among other forums.

Many representatives reiterated their concerns about the refugees. Several speakers expressed concern at the slow rate of refugee return since the end of June 2002, maintaining that such return was a prerequisite for the long-term stability of the country.²⁷⁵ The representative of Indonesia noted that his Government had provided additional incentives for refugees who

wanted to return by the end of the year, expressing the hope that a comprehensive solution would be found by that time. Regarding the low level of return, he noted that the lack of financial support had been a major impediment and reiterated the importance of the international community meeting its financial commitments to the joint appeal.²⁷⁶

The representative of Timor-Leste, in his first appearance before the Council representing a Member of the United Nations, said that his Government stood ready to face the many challenges ahead on the basis of the principles promoted by the United Nations. At the same time, he stressed that Timor-Leste was a young country whose transition from decades of violence and deprivation was yet to be completed. Building a self-sufficient and prosperous nation would require the Council's continued support and partnership, as well as that of the international community at large. He drew attention to the many challenges raised by other speakers, while underlining progress in the area of political developments within and outside Timor-Leste, related, *inter alia*, to the reconciliation process, relations with Indonesia and Australia and the international community, and preparations for his country's ratification of several important international instruments. In closing, he noted that Timor-Leste remained fully committed to the global fight against terrorism, although it required the sustained support of the international community.²⁷⁷

At its 4715th meeting, on 10 March 2003, the Council included in its agenda the special report of the Secretary-General on UNMISSET dated 3 March 2003.²⁷⁸

In the report, the Secretary-General observed a sharp increase in the frequency and magnitude of security-related incidents, including riots in Dili and attacks in a number of villages, and indicated that the increased activity of armed groups might be generated by both politically motivated elements and criminals. Recalling that the mandate implementation and mission downsizing plans had been prepared in a time of optimism, he stressed the need to adjust the downsizing plan for UNMISSET to reflect the changed circumstances. The Secretary-General recommended a series of revisions to both the military and the policing strategies in Timor-Leste, including the reconfiguration

²⁷² *Ibid.*, p. 9 (United States); and p. 16 (Singapore).

²⁷³ *Ibid.*, p. 25 (New Zealand); S/PV.4646 (Resumption 1), p. 6 (Australia).

²⁷⁴ S/PV.4646, p. 27.

²⁷⁵ *Ibid.*, p. 10 (Syrian Arab Republic); p. 11 (Mauritius); p. 14 (Mexico); p. 15 (Norway); p. 19 (Colombia); and p. 24 (Chile); S/PV.4646 (Resumption 1), p. 5 (Australia).

²⁷⁶ S/PV.4646, p. 27.

²⁷⁷ *Ibid.*, pp. 20-22.

²⁷⁸ S/2003/243, submitted pursuant to resolution 1410 (2002).

of the military component and the adoption of a revised phased approach to its mandate to better reflect the existing threats; and the enhancement of the operational ability and training capacity of the international police component. He recalled that the plan for downsizing UNMISSET had always been predicated on the need to keep the situation on the ground under constant review. Nevertheless, he emphasized that the development rate in the nascent State remained extraordinarily rapid.

At the meeting, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations. In addition to all Council members, the representatives of Australia, Indonesia, Japan, Portugal and Timor-Leste made statements.

In his briefing, the Under-Secretary-General stated that the focus of the report, rather than relaying the successes achieved, was an attempt to sound a warning bell at a critical time, to indicate to the Council a number of worrisome developments, and to recommend, in good time, what the Secretariat perceived as realistic and prudent adjustments of the downsizing plans for UNMISSET, so as to reflect changed realities and safeguard all that had been gained thus far. He pointed out that the report noted two types of developments in the security environment that appeared to threaten the situation in Timor-Leste: threats of civil disturbance and a rise in armed groups in rural areas, particularly in the west. He also recalled that the Secretary-General's special report thus included two kinds of recommendations: enhancing the ability of UNMISSET to support the development of the Timorese police; and delaying the downsizing of the military component, and its reconfiguration in key areas, including increasing mobility. While the report did not propose deferring the operation's withdrawal date, he stressed that the premature downsizing of the Mission could imperil the overall strategy in Timor-Leste.²⁷⁹

Speakers stressed the importance of stability for socio-economic development and expressed serious concern at the increase in security incidents and armed attacks. They also emphasized the need to make progress on destabilizing factors such as border demarcation and the return of the remaining estimated 28,000 refugees in West Timor.

Many speakers agreed that the increased activities by former militia members had somewhat changed the security outlook in Timor-Leste. The representatives of Bulgaria and Guinea stressed the need for an investigation into the background and

²⁷⁹ S/PV.4715, pp. 2-4.

motivation of recent incidents and called for the perpetrators to be brought to justice.²⁸⁰ In that context, the representative of Mexico called for clarification on whether recent acts were motivated by political consideration as part of an orchestrated campaign.²⁸¹

The representative of the Russian Federation stressed the need to investigate the information that former combatants were creating bases and setting up clandestine arms caches to destabilize Timor-Leste.²⁸²

The representative of Indonesia deplored references in the Secretary-General's report to the involvement of "supported militias", adding that the blame should go to UNMISSET for its "deliberate ignorance" in the way that it sought to protect the people of Timor-Leste from criminal elements.²⁸³

Pointing out that the police, and not peacekeepers, had the primary responsibility for handling internal security incidents, the representative of the United States did not see a compelling case for putting the peacekeeping drawdown plan on pause. He had difficulty seeing why a peacekeeping force of 2,780, the force level by July 2003, would be incapable of helping the police to handle small numbers of bandits or ex-militia members. If a compelling case were made, he could be open to a "more modest adjustment" in that area.²⁸⁴ Similarly, a number of representatives were not convinced that the security problems in Timor-Leste warranted the proposed adjustment to the drawdown plans of the Mission's military component, but supported the reorientation of the force and the revision of the policing strategy, including a freeze on the downsizing of UNMISSET police.²⁸⁵ Noting the difference in views regarding the recommendations for the military component, the representative of Japan pointed out that any changes to the downsizing plans would require difficult adjustments by troop contributors and the international community in general.²⁸⁶

The representative of Timor-Leste pointed out that the proposed adjustments in the Secretary-General's report regarding downsizing did not alter the Mission's broad concept of operations, its withdrawal date, nor its ultimate goal of aiding the viability and adequacy of Timor-Leste's security capability. In his view, the

²⁸⁰ Ibid., p. 6 (Bulgaria); and p. 16 (Guinea).

²⁸¹ Ibid., p. 9.

²⁸² Ibid., p. 12.

²⁸³ Ibid., pp. 21-22.

²⁸⁴ Ibid., pp. 10-11.

²⁸⁵ Ibid., p. 8 (United Kingdom); pp. 11-12 (Germany); pp. 13-14 (France); and p. 20 (Australia).

²⁸⁶ Ibid., p. 22.

proposed adjustments would maximize the effectiveness of UNMISSET in helping Timor-Leste face the very serious ongoing security threats. With that in mind, his Government wholeheartedly endorsed and supported the reassessment, recommendations and proposals contained in the report. He also noted that the strengthening of relations with neighbouring countries remained a priority, and welcomed the continued cooperation and goodwill of Indonesia.²⁸⁷

At its 4735th meeting,²⁸⁸ on 4 April 2003, the Council again included in its agenda the above-mentioned report of the Secretary-General.²⁸⁹ The President (Mexico) drew attention to a draft resolution;²⁹⁰ it was adopted unanimously and without debate as resolution 1473 (2003), by which the Council, *inter alia*:

Decided that the composition and strength of the police component of UNMISSET and the schedule for its downsizing would be adjusted in line with paragraphs 33 and 35 of the special report of the Secretary-General;

Decided that the schedule for the downsizing of the military component of UNMISSET for the period up until December 2003 would be adjusted in line with the letter of 28 March 2003 from the Under-Secretary-General for Peacekeeping Operations to the members of the Security Council; and, accordingly, that two battalions would be retained within regions adjoining the Tactical Coordination Line during this period, together with associated force elements, including mobility; and that the number of military peacekeepers would be reduced to 1,750 more gradually than was foreseen in resolution 1410 (2002);

Requested the Secretary-General to provide by 20 May 2003 for the approval of the Security Council a detailed military strategy for the revised schedule for the downsizing of the military component of UNMISSET;

Requested the Secretary-General to keep the Council closely and regularly informed of developments on the ground and on implementation of the revised military and police strategies;

Requested the Government of Timor-Leste to continue to work closely with UNMISSET, including in the implementation of the revised police and military strategies.

**Decision of 19 May 2003 (4758th meeting):
resolution 1480 (2003)**

At its 4744th meeting, on 28 April 2003, the Council included in its agenda the report of the Secretary-General on UNMISSET dated 21 April

2003.²⁹¹ Referring to the latest political developments in Timor-Leste, the Secretary-General noted that the National Parliament had ratified core human rights treaties and the leadership of Timor-Leste continued its efforts to engage a wide variety of Timorese sectors in political dialogue. In spite of progress in the relationship between Indonesia and Timor-Leste, including a meeting on border demarcation, at which it was suggested that approximately 80 per cent of the boundary could be agreed upon relatively easily, it was doubtful that an agreement would be reached by 30 June 2003. Outlining the progress made in all three parts of the mandate implementation plan, the Secretary-General observed that further bilateral efforts would be necessary alongside and after the contribution of UNMISSET, in such areas as specific sectors of civilian administration; judicial process to deal with the 1999 crimes and other human rights capacity-building initiatives; the continuing development of a non-political, professional police force; and defence and security cooperation. Outlining the role played by the civilian, police and military components of the Mission, the Secretary-General recommended the extension of the mandate of UNMISSET for one year.

At the meeting, the Council was briefed by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all Council members and the representatives of Australia, Brazil, Fiji, Indonesia, Japan, New Zealand, Portugal and Timor-Leste.

Emphasizing the crucial importance of the strengthening of the civilian police component of UNMISSET and a more gradual drawdown of the military component pursuant to resolution 1473 (2003) in addressing emerging threats in Timor-Leste, the Special Representative of the Secretary-General reported that the Mission had initiated and supported actions by the Government of Timor-Leste to strengthen the national police, while strengthening its advisory presence to ensure a smooth transition until all responsibility was transferred by mid-2004. He also noted the satisfactory progress in the development of a professional public administration, noting that UNMISSET had begun to identify areas where continuing support would be required after its departure. Progress had also been achieved, with the Mission's support, in the work of the Serious Crimes Unit and the Special Panels for Serious Crimes. He observed, in that connection, that, along with public administration and policing, the mandate to

²⁸⁷ *Ibid.*, pp. 17-19.

²⁸⁸ The representative of Timor-Leste was invited to participate but did not make a statement.

²⁸⁹ S/2003/243.

²⁹⁰ S/2003/401.

²⁹¹ S/2003/449, submitted pursuant to resolution 1410 (2002).

bring to justice the perpetrators of serious crimes committed in 1999 would require deliberation as to the appropriate post-UNMISSET arrangement, since the judicial process could not be completed by mid-2004.

The Special Representative observed that, while the economic situation in Timor-Leste was slow to improve, the means for achieving medium-term economic objectives were encouraging. In addition to the Timor Sea Treaty, further prospects of public revenues had been identified and resources explored. Timor-Leste had also formally applied for recognition as a least developed country. Meanwhile, development strategies towards the fulfilment of the National Development Plan were being pursued, and the Government was committed to registering advances in key social indicators. He concluded that the Council would, in due course, have to take a view on the optimal form of association for the United Nations in Timor-Leste upon the conclusion of UNMISSET. The international community's engagement in peacebuilding and institution-building would need to continue, and UNMISSET would review possible options by which such continuing needs could be met.²⁹²

Speakers agreed that, while progress in Timor-Leste was significant and encouraging, much remained to be done and the continued assistance of the international community continued to be crucial, particularly in the strengthening of the country's public administration and police force, the development of its judicial system, judicial process and human rights, the strengthening of the country's defence and security sectors, as well as in the area of economic reconstruction and development.

Stressing the importance of justice for reconciliation and social progress, several representatives called for progress in the criminal proceedings regarding the 1999 serious crimes.²⁹³

While speakers generally welcomed the improved relations between Timor-Leste and Indonesia, they also called on the parties to increase their efforts to reach an agreement on border delineation by the target date. The representative of Indonesia expressed concern at "prejudices" expressed in the report on certain issues, particularly concerning security at the border and justice and noted that its steadily growing relationship with Timor-Leste was far too important to allow any issue to

disrupt it.²⁹⁴ Speakers expressed the hope that the revised programme and timetable for the drawdown of the Mission's police component and a revised schedule for the downsizing of the military component would allow for a full transfer of responsibilities to the national army and police. Many representatives expressed support for the Secretary-General's recommendation in the report that the UNMISSET mandate be extended for a further year, until 20 May 2004. The representative of the United States characterized it as "the final 12-month extension".²⁹⁵ While the representative of Fiji stressed the need for a cautious approach to the drawdown of UNMISSET, the representative of Indonesia called for a more progressive transfer of operational responsibilities to the people of Timor-Leste and for UNMISSET to honour its exit strategy.²⁹⁶

The representative of Timor-Leste thanked Council members for resolution 1472 (2003) and argued that the firm and transparent response by the United Nations and the Government of Timor-Leste had reasserted confidence and stability in his country. Reiterating his Government's commitment to a robust and independent judiciary, he noted that the justice sector continued to require international support. In addition, efforts were under way to address the basic needs of the people of Timor-Leste both in terms of investments in human resources and in the areas of agriculture, fisheries and tourism. Stressing the commitment of Timor-Leste to international engagement, he looked forward to completion of the discussions on international sea and land borders by 30 June 2003.²⁹⁷

At its 4758th meeting,²⁹⁸ on 19 May 2003, the Council again included in its agenda the above-mentioned report of the Secretary-General.²⁹⁹ The President (Pakistan) drew attention to a draft resolution;³⁰⁰ it was adopted unanimously and without debate as resolution 1480 (2003), by which the Council, *inter alia*, decided to extend the mandate of UNMISSET until 20 May 2004 and to remain actively seized of the matter.

²⁹² S/PV.4744, pp. 2-6.

²⁹³ *Ibid.*, p. 10 (Cameroon); p. 13 (France); p. 21 (Portugal); and p. 23 (New Zealand).

²⁹⁴ *Ibid.*, p. 25.

²⁹⁵ *Ibid.*, p. 16.

²⁹⁶ *Ibid.*, p. 24 (Fiji); and p. 25 (Indonesia).

²⁹⁷ *Ibid.*, pp. 18-20.

²⁹⁸ The representative of Timor-Leste was invited to participate but did not make a statement.

²⁹⁹ S/2003/449.

³⁰⁰ S/2003/545.

**Deliberations of 15 October 2003
(4843rd meeting)**

At its 4843rd meeting, on 15 October 2003, the Council included in its agenda the report of the Secretary-General on UNMISSET dated 6 October 2003.³⁰¹ In the report, the Secretary-General observed the remarkable progress made by Timor-Leste in laying the foundations for a functioning civil service and police force. The security situation had improved and relations with other countries, particularly Indonesia, had continued to grow stronger. The two neighbours had reiterated their commitment to finalize the agreement on the international land border by 30 November 2003 and subsequently to address other aspects of border management and to encourage return and resettlement of refugees. The Secretary-General outlined continued progress in each of the three programmes under the mandate implementation plan, including development of the public administration and justice sector, police training and law enforcement as well as development of the armed forces and provision of security and border control. Meanwhile, he stressed that some requirements would remain outstanding after the conclusion of the UNMISSET mandate and that continued international assistance would be indispensable in areas such as civil administration, justice and policing, human rights training and border security, as well as the serious crimes process. In conclusion, he encouraged the international community to begin consideration of ways to continue to support Timor-Leste after the withdrawal of UNMISSET.

At the meeting, the Council was briefed by the Special Representative of the Secretary-General for Timor-Leste. Statements were made by all Council members and the representatives of Australia, India, Italy (on behalf of the European Union³⁰²), Japan, Malaysia, New Zealand, the Philippines, Portugal, Singapore and Timor-Leste.

The Special Representative of the Secretary-General noted that in the 17 months since the establishment of UNMISSET, Timor-Leste had made “a determined start” in various aspects of governance, open leadership, enactment of legislation, rehabilitation of infrastructure, responsible development planning and

budgetary discipline, cooperation with Indonesia to finalize agreement on their land border, promotion of the country’s regional and global integration, and commitment to democratic norms and personal freedoms. A supportive role had been played by UNMISSET, United Nations agencies and bilateral and multilateral partners in strengthening the institutions of state, advancing economic and social objectives and enhancing state security.

He indicated that despite achievements in training and in the broader deployment of the national police, there existed potential threats to stability in both rural and urban areas, including the continued presence of ex-militia elements in the border area. He anticipated that the Council would give close scrutiny to issues of security and governance in preparing for the handover of defence responsibility to the Government of Timor-Leste on 20 May 2004 upon the expiry of the Mission’s mandate. Specifically, he suggested that until Timorese security agencies were fully trained and equipped to perform the tasks undertaken by the military component of UNMISSET, “international assistance in some form” might be necessary, particularly to provide psychological support to a population not yet prepared for complete withdrawal of the reassuring international presence. Following recent needs assessments undertaken jointly by the Government, UNMISSET and UNDP, the Government had identified some critical administrative and judiciary functions which would also require continued international support. In addition, a continued human rights presence in the post-UNMISSET period would be necessary.³⁰³

Speakers voiced appreciation for the support given by UNMISSET to the transitional process in Timor-Leste and commended the country’s leadership for its achievements. They noted with satisfaction that the foundations had been laid for a democratic and independent state with functioning political institutions. They also voiced appreciation for the stabilization of the overall security environment. Representatives welcomed the strengthening of Timor-Leste’s regional and international relations, noting in particular the bilateral agreement on border delimitation with Indonesia and the progress made in the establishment of maritime borders with Australia.

Speakers agreed, however, that serious challenges remained, which would leave Timor-Leste dependent

³⁰¹ S/2003/944, submitted pursuant to resolution 1410 (2002).

³⁰² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Norway, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

³⁰³ S/PV.4843, pp. 2-7.

on international assistance well beyond the expiration of the UNMISSET mandate. They also noted that the emerging state institutions remained rather fragile, and that further administrative support was necessary. Further strengthening of the army and capacity-building in the police and justice sectors were seen to be essential. In the face of Timor-Leste's difficult economic situation, delegations shared the view that the promotion of economic and social development through enhanced donor support was an issue of utmost importance.

Representatives welcomed the stabilization of the security situation since the adoption of the revised drawdown plan for UNMISSET. At the same time, many speakers expressed support for the ongoing endeavours to train and build the capacities of both the police and the Defence Force in Timor-Leste, but recognized that this would require long-term efforts. In that regard, the representative of Guinea encouraged reinforcement of institutional and operational capacities of the National Police Force of Timor-Leste.³⁰⁴ The representative of Angola stressed the need for the rapid deployment police unit to be present for as long as necessary and called for stepping up the cooperation between the United Nations military component and the Timorese armed forces.³⁰⁵

While welcoming improvements to the justice system, many speakers stressed the importance of establishing the rule of law, respecting human rights and bringing the perpetrators of past serious crimes to justice. In that context, the representative of Spain was disappointed at the conduct of the trials in the Ad Hoc Human Rights Tribunal and urged the judicial authorities in Indonesia to guarantee that the appeals process be transparent and in accordance with international norms of justice.³⁰⁶ The representative of Mexico echoed the Secretary-General's appeal that those accused of serious crimes, many of whom were currently outside of Timor-Leste, be made available to the judiciary.³⁰⁷

Addressing the post-UNMISSET period, many speakers concurred with the Secretary-General's assessment that the country would not be able to achieve self-sufficiency in certain key areas of the United Nations mandate before May 2004. In order to consolidate all that had been achieved to date, the role and responsibility of the United Nations should not end with the withdrawal

of UNMISSET. Therefore, as part of an orderly exit strategy, several representatives affirmed the need for a smaller successor mission mandated by the Security Council.³⁰⁸ In the view of the representative of Timor-Leste such a post-UNMISSET United Nations presence should be credible and strong.³⁰⁹ The representative of Australia informed the Council that after discussions with the Government of Timor-Leste and other partners, his Government had put forward a model for a post-UNMISSET mission to be established by Security Council mandate for a one-year period. The proposed mission would be different from its predecessors in several ways: the Timorese themselves would be "in the driver's seat"; and the role of the United Nations would not be one of traditional peacekeeping, but of providing back-up support and advice to enable the local institutions to evolve and stand with confidence. Furthermore, the mission would be small, limited in scope, focused on specific needs, and have a clear end point.³¹⁰

Many speakers asserted that, in particular, the Timorese judicial system, finance and economic planning, and defence and security would need United Nations support after May 2004, and they looked forward to the Secretary-General's forthcoming proposals. The representative of the United Kingdom, while noting that peacekeeping and peacebuilding were two sides of the same coin, stressed that post-UNMISSET assistance would be crucial to ensure the success of the ongoing peacekeeping efforts. Underlining the importance of a smooth transition to peacebuilding, he said that it would be essential for the United Nations to play a part in future arrangements for the international engagement.³¹¹ The representative of France stressed the importance of a clear distinction between UNMISSET and the subsequent United Nations presence and called for the latter to be even more focused on development of Timorese capacities in critical sectors. Echoed by the representative of Mexico, the representative of France added that assistance should be provided as coordinated action by the various parts of the United Nations system and be given a complete and definitive exit strategy.³¹²

³⁰⁴ Ibid., p. 13.

³⁰⁵ Ibid., p. 12.

³⁰⁶ Ibid., p. 10.

³⁰⁷ Ibid., p. 18.

³⁰⁸ Ibid., p. 9 (Spain); p. 21 (Portugal); p. 23 (Australia); p. 26 (Singapore); pp. 28-29 (Malaysia); and p. 30 (New Zealand).

³⁰⁹ Ibid., p. 20.

³¹⁰ Ibid., pp. 23-24.

³¹¹ Ibid., p. 15.

³¹² Ibid., p. 10 (France); and p. 18 (Mexico).

The representative of Timor-Leste outlined progress in implementation of the National Development Plan, including in the sectors of agriculture, health care and education, adding that negotiations with Australia over the maritime boundaries would commence shortly. Highlighting the cooperation established with Indonesia in key areas, he noted that efforts were made to encourage the resettlement and facilitate the return of

the approximately 26,000 refugees remaining in the camps in West Timor. He concurred with the Secretary-General that Timor-Leste would not be able to achieve self-sufficiency in certain key areas by 20 May 2004, and welcomed the discussion about a credible and strong future United Nations presence.³¹³

³¹³ Ibid., pp. 19-21.

25. The situation in Tajikistan and along the Tajik-Afghan border

Decision of 21 March 2000 (4116th meeting): statement by the President

At its 4115th meeting, on 21 March 2000, the Security Council included in its agenda the interim report of the Secretary-General on the situation in Tajikistan.¹ The Secretary-General observed, inter alia, that the peace process that the United Nations Mission of Observers in Tajikistan (UNMOT) was set up to support was coming to an end with the holding of the first multi-party parliamentary elections in Tajikistan. He commended the inclusion of former warring parties and others in the electoral process, yet warned that much remained to be done, especially concerning disarmament, reintegration, and democratization. He observed that despite these shortcomings, the parliamentary elections marked the final act in the transition period foreseen under the General Agreement on the Establishment of Peace and National Accord in Tajikistan. Accordingly, he concluded that UNMOT had been a significant achievement and stated his intention to terminate UNMOT once its mandate expired on 15 May 2000. The Secretary-General also noted that he was currently consulting with the Government of Tajikistan about the establishment of a small United Nations office to facilitate post-conflict peacebuilding and consolidation.

At the meeting, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, following which statements were made by most members of the Council,² as well as the representative of Tajikistan.

¹ S/2000/214, submitted pursuant to resolution 1274 (1999).

² The representatives of Canada and Mali did not make statements.

In his briefing, the Assistant Secretary-General elaborated on the successful parliamentary elections, but noted some particular shortcomings such as the failure to ensure the independence of the election administration commission, and the fact that the transparency of the electoral process had not met minimum standards.³

In their statements following the briefing, most speakers commended the holding of the first multi-party elections in an atmosphere free of violence, but also noted the deficiencies in the electoral process.

At the 4116th meeting, on 21 March 2000, the President (Bangladesh) made a statement on behalf of the Council,⁴ by which the Council, inter alia:

Welcomed the holding on 27 February 2000 of the first multi-party and pluralistic parliamentary election in Tajikistan, and urged the Government and the Parliament of Tajikistan to work towards elections in the future that would meet acceptable standards as a means to consolidate peace;

Supported the intention of the Secretary-General to withdraw UNMOT when its mandate expired on 15 May 2000.

Decision of 12 May 2000 (4141st meeting): statement by the President

At its 4140th meeting, on 12 May 2000, the Council included in its agenda the report of the Secretary-General on the situation in Tajikistan.⁵ The Secretary-General attributed the positive outcome of the peace process in Tajikistan to four main factors: first, the involvement of the United Nations from the very beginning of the hostilities in the country;

³ S/PV.4115, p. 2.

⁴ S/PRST/2000/9.

⁵ S/2000/387, submitted pursuant to resolution 1274 (1999).

secondly, the strong support of neighbouring States; thirdly, cooperation with other organizations, particularly the Organization for Security and Cooperation in Europe; and fourthly, the political will of the two Tajik parties and their leaders to resolve differences through dialogue. Despite classifying UNMOT as a success story of United Nations peacekeeping, he noted the persistence of several problems in Tajikistan: the high amount of people in arms; the fact that the country was used as a transit route for drug-trafficking to Europe; and the precarious situation on the Afghan border. The Secretary-General stated his intention to write to the Council shortly on the possible establishment of a post-conflict peacebuilding office in Tajikistan, with the function of addressing institutional, social and economic development in an integrated manner, in order to consolidate peace and promote democracy.

At the meeting, the Council heard a briefing by the Special Representative of the Secretary-General and Head of the Mission in Tajikistan, following which statements were made by most members of the Council and Austria (on behalf of the Organization for Security and Cooperation in Europe), the Islamic Republic of Iran, Japan, Kazakhstan, Pakistan, Portugal (on behalf of the European Union⁶), Tajikistan, Turkmenistan and Uzbekistan.⁷

In his briefing, the Special Representative of the Secretary-General and Head of the Mission in Tajikistan elaborated on the report of the Secretary-General. The Special Representative emphasized the need for international economic assistance, without which the viability of the political achievements in Tajikistan could be endangered.⁸

Most speakers welcomed the achievements in the political process in Tajikistan and the successful conclusion of the mandate of UNMOT. While all speakers supported some sort of United Nations role in post-conflict Tajikistan, the representative of the Russian Federation argued that in addition to the

general aim of promoting the post-conflict social and economic rehabilitation of Tajikistan, the mandate of the new office needed to include measures to facilitate the process of reintegrating former combatants into society, demobilization, disarmament, and the return of the remaining refugees.⁹ The representatives of the United Kingdom, Canada and Portugal (on behalf of the European Union) stressed that the office should include a strong human rights capability.¹⁰

The representative of Tajikistan provided a summary of the United Nations involvement in Tajikistan and concluded with the observation that the United Nations could rightfully describe its assistance to Tajikistan in achieving a political settlement to the armed conflict and resolving the humanitarian and socio-economic problems of the country as a peacekeeping success.¹¹

At the 4141st meeting, on 12 May 2000, the President (China) made a statement on behalf of the Council,¹² by which the Council, *inter alia*:

Acknowledged the significant achievement of the Tajik parties, which had managed to overcome many obstacles and to put their country on the path to peace, national reconciliation and democracy;

Joined the Secretary-General in hoping that those achievements would be consolidated in the further strengthening of the institutions in the country with a view to the democratic, economic and social development of Tajik society;

Highly appreciated the efforts of UNMOT, supported by the Contact Group of Guarantor States and International Organizations, the Mission of the Organization for Security and Cooperation in Europe and the collective peacekeeping forces of the Commonwealth of Independent States, in assisting the parties in the implementation of the General Agreement;

Reiterated its support for the intention of the Secretary-General to withdraw UNMOT when its mandate expired on 15 May 2000;

Expressed its appreciation to the Secretary-General for his intention to inform the Council about modalities of the establishment and functioning of a post-conflict peacebuilding office of the United Nations in Tajikistan, in order to consolidate peace and promote democracy.

⁶ Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia aligned themselves with the statement.

⁷ The representatives of France and the Netherlands did not make statements.

⁸ S/PV.4140, pp. 2-3.

⁹ *Ibid.*, p. 4.

¹⁰ *Ibid.*, p. 7 (United Kingdom); p. 8 (Canada); and p. 15 (Portugal).

¹¹ *Ibid.*, pp. 11-14.

¹² S/PRST/2000/9.

26. The situation in Afghanistan

Decision of 7 April 2000 (4125th meeting): statement by the President

At its 4124th meeting, on 7 April 2000, the Security Council included in its agenda the report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security dated 10 March 2000.¹ In his report, the Secretary-General noted that although recent fighting between the United Front and the Taliban had been confined to specific areas of the country, the apparent targeting of civilians and their assets had worsened the living conditions of the Afghan population. He observed that not only was the fighting likely to continue, but that a major offensive was being prepared for the spring, suggesting that military supplies continued to be received from neighbouring countries. In view of these circumstances, the Secretary-General had asked his Personal Representative to concentrate his efforts to persuade the parties to enter into a process of dialogue aimed at a stable and verifiable ceasefire. He indicated that, if coordinated and pursued in an altruistic spirit, the peace initiatives of non-combatant Afghans such as the Rome and Cyprus processes might prove to be a useful complement to the overall efforts to bring about a negotiated settlement.

At the same meeting, the President (Canada) drew the attention of the Council to a letter dated 4 April 2000 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999),² and to copies of the report of the United Nations Interagency Gender Mission to Afghanistan, which had been conducted from 12 to 24 November 1997.³ The Council then heard briefings by the Officer-in-Charge of the Asia and the Pacific Division of the Department of Political Affairs, on the political, military, humanitarian and human rights situations, as well as by the Assistant Secretary-General and Special

Adviser on Gender Issues and Advancement of Women, on the situation of women and girls in Afghanistan. Statements were made by most Council members as well as by the representative of Afghanistan.⁴

The Officer-in-Charge of the Asia and the Pacific Division of the Department of Political Affairs noted the positive political developments, such as the talks between the Taliban and the United Front sponsored by the Organization of the Islamic Conference, the initiatives of non-combatant Afghan groups and the activities of the “six plus two” group.⁵ He stated, however, that it was not possible to be optimistic about an early ceasefire between the warring factions, let alone negotiations leading to the formation of a broad-based government, as demanded by the Council. On the military front, he drew the Council’s attention to the possible start of a major spring offensive, as there was “every indication” that preparations for organized, large-scale offensives were now under way on both sides. At this juncture, he recalled the repeated assessment of the Secretary-General that external interference was one of the biggest impediments to peace, as it provided the essential means for the continuous civil war in Afghanistan. He expressed concern with the “reported involvement of non-Afghan fighters in the conflict, mainly on the side of the Taliban”. Such reports, he said, indicated that in some cases non-Afghan fighters were openly recruited through religious schools in Pakistan and sent into Afghanistan by convoys of buses and trucks.⁶

Several delegations blamed the Taliban for violating the Council’s resolutions and escalating the tension, and called on the group to halt preparations for the resumption of a large-scale offensive and begin serious talks with other Afghan parties. All speakers reiterated the need for the warring factions to seek a political settlement, which remained the only realistic way toward sustainable peace and stability in the

¹ S/2000/205, submitted in response to requests by the Council for regular information on the main developments in Afghanistan, including those in the humanitarian and human rights fields.

² S/2000/282, transmitting a list of 50 States which had responded to paragraph 10 of resolution 1267 (1999), in which all States were requested to report to the Committee within 30 days of the coming into force of the measures imposed by the resolution.

³ Not issued as a document of the Council.

⁴ The representative of Tunisia did not make a statement.

⁵ S/PV.4124, pp. 3-6. The “six plus two” group comprises Afghanistan’s neighbours (China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan) and the Russian Federation and the United States.

⁶ S/PV.4124, pp. 3-4.

country. They remained concerned about the suffering of the Afghan people, particularly women and girls.

The representative of Argentina explained the work of the Committee established pursuant to resolution 1267 (1999) and its latest report.⁷ The representatives of the Russian Federation, France and the United Kingdom expressed concern with the increase in outside interference in the conflict, particularly by the direct involvement in fighting on the Taliban side of thousands of foreign fighters.⁸ The representative of the United States called on the Taliban to comply with the demand of resolution 1267 (1999) that Osama bin Laden be turned over to authorities in a country where he would be brought to justice, warning that so long as he enjoyed safe haven in Afghanistan the international community was at risk.⁹ In this context, the representative of the Russian Federation stated that the failure to turn over Bin Laden offered serious ground for considering the possibility of tightening the sanctions regime against the Taliban.¹⁰ The representative of Canada was disturbed by the Taliban's "systematic pattern of violation of human rights of half the population — women and girls — a violation which the Taliban misrepresents as having a religious foundation".¹¹

The representative of Afghanistan noted the involvement of mercenary combatants in Afghanistan that had come from religious schools in Pakistan. He maintained that, in Pakistan, Afghanistan affairs remained in the hands of the army, especially the military intelligence agency, the Inter-Services Intelligence. He stated that Pakistan was still hoping for a military solution in Afghanistan, which was why it was providing the Taliban with logistical support, including arms and ammunition. He also stressed that the "military regime" continued to use extremist religious groups for its "political purposes in the region and beyond". He expressed the readiness of the Islamic State of Afghanistan to agree to a cessation of armed conflict and expected the resolution of the Afghan problem to be based on the establishment of a

representative, broad-based Government which represented all the major ethnic groups.¹²

At the end of the meeting, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women responded to questions and comments posed by the previous speakers, including those on the participation of women in civil society, projects that had involved men and women in decision-making, electoral education, and the rights of women and girls. While acknowledging that further progress could be made with continued international pressure on the Afghan parties, she stressed the need for a "political settlement that [was] firmly grounded in human rights and gender".¹³

At its 4125th meeting, on 7 April 2000, the Council again included in its agenda the report of the Secretary-General of 10 March 2000.¹⁴ At the same meeting, the President made a statement on behalf of the Council,¹⁵ by which the Council, inter alia:

Expressed its deep concern at the reports that both parties to the conflict were preparing for renewed large-scale fighting, and recalled its repeated demands that the Afghan parties cease fighting;

Recalled its demand that the parties, in particular the Taliban, resume negotiations under United Nations auspices without delay and preconditions in full compliance with the relevant resolutions of the General Assembly and the Council;

Strongly condemned the Taliban for the repeated forced entries on 26, 27 and 29 March 2000 by its armed groups into, and searches of, the United Nations premises in Kandahar and for the intimidation of United Nations personnel;

Stressed its grave concern at the human rights situation in Afghanistan, which was unacceptable;

Called upon all States to take resolute measures to prohibit their military personnel from planning and participating in combat operations in Afghanistan;

Welcomed the appointment of a new Personal Representative of the Secretary-General and the activities of the United Nations Special Mission to Afghanistan to facilitate a political process aimed at achieving a lasting political settlement to the conflict and supported the phased deployment of the Civil Affairs Unit of the Mission inside Afghanistan, as the security conditions permit;

⁷ *Ibid.*, pp. 6-9. For more information on the Committee, see chapter V.

⁸ S/PV.4124, p. 9 (Russian Federation); p. 10 (France); and p. 17 (United Kingdom).

⁹ *Ibid.*, pp. 11-13.

¹⁰ *Ibid.*, p. 9.

¹¹ *Ibid.*, p. 23.

¹² *Ibid.*, pp. 24-25.

¹³ *Ibid.*, pp. 25-28.

¹⁴ S/2000/205.

¹⁵ S/PRST/2000/12.

Stressed the need for prompt and effective implementation by all Member States of the measures imposed by its resolution 1267 (1999).

Decision of 19 December 2000 (4251st meeting): resolution 1333 (2000)

At its 4251st meeting,¹⁶ on 19 December 2000, the Council heard statements by the representatives of Canada, China, France, Malaysia, the Netherlands, the Russian Federation, Ukraine, the United Kingdom and the United States, as well as by the representative of Afghanistan.¹⁷ The President drew attention to a draft resolution submitted by India, Kyrgyzstan, the Russian Federation, Tajikistan and the United States of America.¹⁸

At the outset, the representative of Afghanistan noted that, in response to the fact that the “Pakistan/Taliban/Bin Laden alliance” had categorically refused to put an end to the training and haven it provided to international terrorists, the Council was considering the imposition of new measures. However, he noted with concern that the draft resolution was silent on “Pakistan’s well-known aggression in Afghanistan” and only addressed the terrorism originating from the part of Afghan territory that was under military occupation by the “Pakistan/Taliban/Bin Laden alliance”. He maintained that the Council should address the problem of Afghanistan in its entirety. He declared that the acts of Pakistan constituted flagrant violations of the Charter, and that the Council needed to immediately be seized of the question of armed aggression against Afghanistan, which fell under Chapter VII, Articles 39 to 42. He also argued that the Pakistani intelligence agency needed to be recognized as a criminal organization responsible for the war of aggression, for crimes against humanity and for war crimes. Finally, he demanded that the Council appoint a commission of inquiry to investigate the issue of military aggression in Afghanistan and present its conclusions to the Council.¹⁹

The representative of Malaysia stated that his delegation had difficulty in supporting the additional measures being contemplated against the Taliban on both procedural and substantive grounds. He noted that resolution 1267 (1999) had tasked the Afghan sanctions committee to undertake periodic impact assessments of the sanctions²⁰ and maintained that only through such assessments would the Council be able to evaluate the effectiveness of the sanctions and their effects on the population of Afghanistan. Regrettably, no such periodic assessments had been carried out and, instead, only a joint impact assessment had been made by the “two most interested members of the Council”, which did not satisfy, procedurally or substantively, the specific requirements of resolution 1267 (1999). He asserted that the high levels of vulnerability of the people of Afghanistan were likely to exacerbate the impact of what would otherwise be fairly insignificant effects of the sanctions regime. The additional measures might also lead to the deterioration of the humanitarian operational environment in the Taliban-controlled areas, especially if the Taliban were to withhold cooperation with international humanitarian agencies. He noted that his delegation was concerned at the negative impact of such measures on the peace process. The one-sided arms embargo on the Taliban was a measure that compromised the “essential neutrality of the Council”. Under those circumstances, he noted that his delegation would abstain in the voting.²¹

The representatives of France and the Ukraine expressed satisfaction with the fact that the sanctions were established for a limited time period, although they were renewable; and with the fact that there was provision for an exception for flights organized by humanitarian organizations that were duly registered.²²

The representatives of the United Kingdom and the United States stressed the need for additional targeted sanctions against the Taliban in the light of its continued support for international terrorism and its refusal to hand over Osama bin Laden. They also stressed that the sanctions were carefully targeted to ensure that the measures would not have an adverse impact on ordinary Afghans.²³ While supporting the

¹⁶ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; and part III, sect. B, with regard to Article 41.

¹⁷ The representatives of India, Kyrgyzstan and Tajikistan were invited to participate but did not make statements.

¹⁸ S/2000/1202.

¹⁹ S/PV.4251, pp. 2-4.

²⁰ Resolution 1267 (1999), para. 6 (c).

²¹ S/PV.4251, pp. 4-5.

²² *Ibid.*, p. 6 (France); and p. 7 (Ukraine).

²³ *Ibid.*, p. 6 (United Kingdom); and pp. 7-8 (United States).

draft resolution, the representatives of the Netherlands and Canada called on the Council to continue to weigh the possible humanitarian impacts of its sanctions against the Council's wider political objectives.²⁴

The draft resolution was put to the vote and adopted, by 13 votes in favour, with 2 abstentions (China, Malaysia), as resolution 1333 (2000), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that all States should (a) prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999) of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned; (b) prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban; (c) withdraw any of their officials, agents, advisers, and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and urged other nationals in this context to leave the country;

Requested the Secretary-General, in consultation with the Committee: (a) to appoint a committee of experts to make recommendations to the Council within 60 days of the adoption of the resolution regarding how the arms embargo and the closure of terrorist training camps can be monitored; (b) to consult with relevant Member States to put into effect the measures imposed by the resolution and resolution 1267 (1999) and report the results of such consultations to the Council; (c) to report on the implementation of the existing measures; (d) to review the humanitarian implications of the measures imposed by the resolution and resolution 1267 (1999), and to report back to the Council within 90 days of the adoption of the resolution with an assessment and recommendations, to report at regular intervals thereafter on any humanitarian implications and to present a comprehensive report on this issue and any recommendations no later than 30 days prior to the expiration of those measures.

Speaking after the vote, the representative of China maintained that the direct impact of the current sanctions on the humanitarian situation in Afghanistan was obvious, and that a new round of sanctions would undoubtedly make the situation even worse. Noting that the belligerent parties in Afghanistan were prepared to resume peace talks, a new round of

²⁴ *Ibid.*, pp. 5-6 (Netherlands); and p. 9 (Canada).

sanctions and a unilateral arms embargo would have a negative impact on the peace process.²⁵

The representative of the Russian Federation responded to the arguments made that the arms embargo was one-sided by saying that the one-sided nature of the embargo was fully justified. He noted that the Taliban had continued to bank on military means to resolve the Afghan problem, and had used their territory for the protection of terrorists. Therefore the weapons that ended up in the hands of the Taliban were not just used for the civil war, but also in order to support international terrorism. On arguments that the resolution might have a negative impact on the peace process, he stated that despite the many promises the Taliban had made to begin the negotiating process, they continued to refuse to respond to the numerous appeals regarding the proposed agenda for a political dialogue. Thus they were continuing to boycott the political process. Finally, regarding the humanitarian implications of the sanctions, he noted that the resolution contained all the necessary humanitarian exemptions and were targeted. As for fears that the Taliban might expel humanitarian personnel, he stressed that if the Council took such threats into account, its members would be the "direct victims of blackmail".²⁶

**Decision of 30 July 2001 (4352nd meeting):
resolution 1363 (2001)**

At its 4325th meeting,²⁷ on 5 June 2001, the Council included in its agenda a letter dated 21 May 2001 from the Secretary-General addressed to the President of the Security Council,²⁸ enclosing the report of the Committee of Experts appointed pursuant to resolution 1333 (2000), regarding monitoring of the arms embargo against the Taliban and the closure of terrorist training camps in the Taliban-held areas of Afghanistan. The Committee recommended that the arms embargo and the closure of training camps be monitored by making use of the mechanisms which each of the neighbours of Afghanistan had in place and by enhancing those countries' efforts with the establishment of sanctions enforcement support teams

²⁵ S/PV.4251, pp. 8-9.

²⁶ *Ibid.*, pp. 9-10.

²⁷ For more information on the discussion at this meeting, see chap. XI, part III, sect. B, with regard to Article 41 of the Charter.

²⁸ S/2001/511.

in each country. Those teams would form the basis of a United Nations office for sanctions monitoring and coordination. The office would support the work of the teams in the field, as well as task the teams to verify and report to the Committee established pursuant to resolution 1267 (1999) on allegations of sanctions-busting and progress being made to improve the effectiveness of their border control and counter-terrorism services.

At the meeting, the Council heard a briefing by the Chairman of the Committee of Experts. In addition to all members of the Council, statements were made by the representatives of Afghanistan, the Islamic Republic of Iran, Pakistan and Uzbekistan.

The Chairman of the Committee of Experts explained the recommendations contained in the report of the Committee on ways to monitor the arms embargo against the Taliban and the closure of terrorist training camps in the Taliban-held areas, and urged the Council to take a decision on those recommendations as expeditiously as possible. He agreed with the view expressed in the report that the participation and commitment of Afghanistan's neighbouring countries were essential to the efficacy of the sanctions.²⁹

Many speakers supported the recommendations of the Committee, in particular the establishment of an office for sanctions monitoring and coordination and sanctions enforcement support teams, and reiterated that the Taliban must comply with the Council's demands, as stipulated in resolution 1333 (2000). A number of speakers stressed that the Council needed to take care not to institute measures that would impede the ability of humanitarian agencies to bring aid and relief to the Afghan population.

Several speakers also stressed the importance of carefully considering and respecting the opinions of the neighbouring countries before arriving at a decision.³⁰

The representative of China stressed the importance of the monitoring mechanism receiving sufficient resources. Noting that the report made certain allegations without specifying its sources, he stressed that "allegations should not be used to prove a point" and that great efforts needed to be made in that

regard.³¹ The representative of the Russian Federation noted with concern that the Taliban had not taken the "least step" to extradite Osama bin Laden or to close those terrorist training camps. He stressed that initially the work of the monitoring mechanism needed to focus on the key requirements of ensuring compliance with the arms embargo and closing the terrorist training camps, and that other recommendations, including those expanding the list of embargoed goods, could be considered at subsequent stages. He stressed that most serious attention should be given to retaining the targeted nature of the sanctions.³² Similarly, the representative of the United States demanded that the Taliban cease their support for terrorism and expressed his delegation's support for the conclusion of the Committee of Experts that the proposed monitoring mechanism should augment the ability and efforts of the States neighbouring Afghanistan to enforce the Council's resolutions.³³ The representative of Afghanistan argued that the Council should determine the extent of Pakistan's "aggression" in Afghanistan and decide the measures to be taken to maintain peace and security, and demanded that all foreign fighters leave his country immediately.³⁴

The representative of the Islamic Republic of Iran welcomed the report of the Committee which exposed, to a great extent, the ways in which the Taliban procured military means, financed their military machine and organized unlawful activities, including turning their territory into a safe haven for terrorists. He noted that the report also dismissed the claim that the Taliban military machine survived on former stocks.³⁵ On the other hand, the representative of Pakistan categorically rejected "some baseless allegations" contained in the report, and reiterated that Pakistan was adhering to the Council's resolutions on Afghanistan "even though we are not in favour of sanctions as a matter of principle". He stressed the need to engage the Taliban by bringing them back from the "position of insulation and intransigence". He also argued that a "one-sided" arms embargo was not the solution, and recommended that the Council impose a comprehensive arms embargo, under Chapter VII, on

²⁹ S/PV.4325, pp. 3-4.

³⁰ Ibid., p. 5 (China); p. 6 (Tunisia); p. 7 (Russian Federation); and p. 14 (Singapore).

³¹ Ibid., p. 5.

³² Ibid., pp. 6-7.

³³ Ibid., pp. 7-8.

³⁴ Ibid., pp. 15-18.

³⁵ S/PV.4325 (Resumption 1), pp. 2-3.

all parties, which would give both sides the same incentive to return to the negotiating table.³⁶

At the end of the meeting, the Chairman of the Committee of Experts responded to questions and comments raised by the previous speakers, including the need to consult the neighbouring countries, concern about the inclusion of military-use fuels, and the location of the monitoring support teams.³⁷

At its 4352nd meeting, on 30 July 2001, the Council again included the above-mentioned letter in its agenda. The President (China) drew the attention of the Council to a draft resolution submitted by Colombia;³⁸ it was adopted unanimously and without debate as resolution 1363 (2001), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Requested the Secretary-General to establish within 30 days a mechanism: (a) to monitor the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000); (b) to offer assistance to States bordering Afghanistan under Taliban control to increase their capacity regarding sanctions implementation; and (c) to collate, assess, verify, report and make recommendations on information regarding violations of the measures imposed by resolutions 1267 (1999) and 1333 (2000);

Decided that the monitoring mechanism should be composed of (a) a Monitoring Group in New York of up to five members; and (b) a sanctions enforcement support team of up to 15 experts; requested the Monitoring Group to report to the Committee established pursuant to resolution 1267 (1999) and also requested the Committee to report to the Council at regular intervals on the implementation of the resolution;

Requested the Secretary-General to support the work of the monitoring mechanism and to establish a United Nations trust fund for this purpose; and further requested the Secretary-General to keep the Committee informed of the financial arrangements supporting the mechanism.

**Decision of 14 November 2001
(4415th meeting): resolution 1378 (2001)**

At its 4414th meeting,³⁹ on 13 November 2001, the Council heard briefings by the Secretary-General and the Special Representative of the Secretary-

General for Afghanistan. In addition to Council members, statements were made by the representatives of Afghanistan, Argentina, Australia, Belgium, Canada, Egypt, Germany, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, Kazakhstan, Malaysia, Mexico, the Netherlands, New Zealand, Pakistan, the Republic of Korea, Tajikistan and Uzbekistan.

The Secretary-General noted that the attacks of 11 September 2001 and the consequent military action in Afghanistan had created a new environment, which presented daunting challenges as well as new opportunities, and stressed the need to focus on the challenge “in a post-Taliban period” so as to avoid a political and security vacuum. He stressed that there was now “a real opportunity to create the sort of broad-based, fully representative government” which the United Nations had long been trying to help the Afghan people achieve. However, that would require the end of interference in the affairs of Afghanistan by neighbouring countries.⁴⁰

The Special Representative of the Secretary-General for Afghanistan underlined the urgent need to help establish a representative government which enjoyed internal and external legitimacy, and maintained that it was essential to bring together the various Afghan initiatives into a single process. Based on the ideas discussed widely by the Afghans themselves in various forums, he suggested that the approach might follow a five-step sequence. First, the United Nations would convene a meeting, at a venue to be determined, of representatives of the Northern Alliance and existing processes to agree on a framework for the process of political transition. Second, the meeting would suggest concrete steps for the convening of a provisional council. Third, the provisional council would propose the composition of a transitional administration and a programme of action for the period of political transition. Fourth, an emergency Loya Jirga would be convened to approve the transitional administration, and to authorize it to prepare a constitution. Finally, the transitional phase would result in the convening of a second Loya Jirga to approve the constitution and create the Government of Afghanistan. However, he noted the need for the introduction of a robust security force, able to deter and if possible defeat challenges to its authority. There were three options for such a force: an all-Afghan

³⁶ *Ibid.*, pp. 4-7.

³⁷ *Ibid.*, pp. 7-9.

³⁸ S/2001/741.

³⁹ For more information on the discussion at this meeting, see chap. XI, part I, sect. B, with regard to Article 39 of the Charter; part IV, sect. B, with regard to Article 42; and part IX, sect. B, with regard to Article 51.

⁴⁰ S/PV.4414, pp. 2-3.

force; a multinational force or a United Nations peacekeeping force. He did not recommend a United Nations peacekeeping force, and while the all-Afghan force was the preferred option it was unlikely to be able to be constituted in the near term. Therefore, serious consideration needed to be given to the deployment of a multinational force. He urged the international community to show the patience and determination required to see this process through to its full conclusion.⁴¹

Speakers expressed their support for the efforts of the Secretary-General and the Special Representative to put in place a United Nations-initiated peace process aimed at establishing a representative government, and agreed on the urgent need to proceed with that peace process in order to avoid political and security vacuum following the military action launched against the Taliban. They called for urgent humanitarian assistance to alleviate the suffering of the Afghan people before the arrival of winter. Many speakers stressed the importance of cooperation with the neighbours of Afghanistan and the contributions of the “six plus two” group and regional organizations. Several delegations stressed the importance of eliminating Al-Qaida and fighting international terrorism.

The representative of the United Kingdom stated that the news from that morning of the retreat of the Taliban from the capital, Kabul, was justification itself for the “military strategy which ha[d] been pursued.” He urged the United Nations to get its presence on the ground in Kabul as soon as possible to provide the eyes and ears of the international community and to start the process of creating a civil administration.⁴² Similarly, the representative of France agreed that the United Nations needed to move as quickly as possible into Kabul and other liberated cities as security conditions allowed.⁴³ The representative of Norway noted that the Taliban’s refusal to comply with Security Council resolutions, even after it had become clear that terrorists based and trained in Afghanistan were behind the attacks of 11 September, had left no alternative but to use military force in accordance with the right to self-defence.⁴⁴ The representative of Italy echoed this noting that the military actions, which were fully legitimate under the Charter and relevant Security

Council resolutions, were targeted at bringing to justice the perpetrators of the terrorist attacks and eradicating the Al-Qaida network and those who harboured and provided assistance to terrorists.⁴⁵

In the light of the “collapse of the Taliban in much of Afghanistan”, the representative of the United States stressed the need to support the Special Representative in his urgent efforts to bring together, as soon as possible, Afghans to form an interim authority in the liberated areas. He also called for an international presence to be established as soon as possible and for restraint on the part of the Afghan liberation forces.⁴⁶ The representative of the Russian Federation emphasized that the Taliban had no place in the future power structures in Afghanistan, but added that a “clear distinction” needed to be drawn between the Taliban on the one hand and the Pashtuns and the traditional Afghan clergy on the other.⁴⁷

The representative of Pakistan agreed on the need to avoid a political vacuum following the withdrawal of the Taliban from Kabul, and noted with concern that despite restrictions, over 80,000 new Afghan refugees had crossed into Pakistan in the past two months. He stressed that unless the United States was able to put together a political dispensation which was representative of all segments of the Afghan population, conflict and turmoil would continue to afflict the country. He maintained that a multinational force needed to be created to provide security with the coalition providing back-up support.⁴⁸ The representative of the Islamic Republic of Iran, noting that in response to terrorist threats, a military operation had been staged, stressed that military actions were not the solution and that the Afghan people needed to be offered other alternatives. He maintained that, in the light of the “liberation” of Kabul and other provinces, the time had come to advance with vigour the process of forming a broad-based government, with the United Nations taking a central role.⁴⁹ The representative of Malaysia noted that while the use of military force was “a legitimate course of action as an act of self-defence”, it was not the only course of action, or the most effective or politically wise one. He expressed concern at the “high margin of targeting error” in the

⁴¹ *Ibid.*, pp. 3-8.

⁴² *Ibid.*, pp. 8-10.

⁴³ *Ibid.*, p. 20.

⁴⁴ *Ibid.*, p. 13.

⁴⁵ S/PV.4414 (Resumption 1), p. 8.

⁴⁶ S/PV.4414, pp. 20-21.

⁴⁷ *Ibid.*, pp. 23-25.

⁴⁸ S/PV.4411 (Resumption 1), pp. 5-7.

⁴⁹ *Ibid.*, pp. 8-10.

military campaign, which had led to the “reportedly high death toll among civilians”. He therefore appealed for an end to the bombing so as to spare the people of Afghanistan further hardship and to allow them to return to their homes for the winter season and Ramadan.⁵⁰ The representative of Afghanistan confirmed that the forces of the Islamic State of Afghanistan had entered into Kabul to meet the “pressing needs and expectations of the people” and to fill the political and administrative vacuum created by the hasty flight of the Taliban. He reaffirmed his delegation’s full support for the United Nations effort to establish a multi-ethnic, broad-based government. He called for an end to both direct and indirect foreign intervention in Afghanistan.⁵¹

At the 4415th meeting, on 14 November 2001, the President (Jamaica) drew the attention of the Council to a draft resolution;⁵² it was adopted unanimously and without debate as resolution 1378 (2001), by which the Council, *inter alia*:

Expressed its strong support for the efforts of the Afghan people to establish a new and transitional administration leading to the formation of a government, both of which should be broad-based, multi-ethnic and fully representative of all the Afghan people and committed to peace with Afghanistan’s neighbours, should respect the human rights of all Afghan people, regardless of gender, ethnicity or religion, should respect Afghanistan’s international obligations, including by cooperating fully in international efforts to combat terrorism and illicit drug trafficking within and from Afghanistan, and should facilitate the urgent delivery of humanitarian assistance and the orderly return of refugees and internally displaced persons, when the situation permitted;

Affirmed that the United Nations should play a central role in supporting the efforts of the Afghan people to establish urgently such a new and transitional administration leading to the formation of a new government.

**Decision of 6 December 2001 (4434th meeting):
resolution 1383 (2001)**

At its 4434th meeting, on 6 December 2001, the Council included in its agenda a letter dated 5 December 2001 from the Secretary-General addressed to the President of the Security Council,⁵³ transmitting the text of the Agreement on Provisional

Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions signed in Bonn by the delegations participating in the United Nations talks on Afghanistan.

At the meeting, the President (Mali) drew the attention of the Council to a draft resolution;⁵⁴ it was adopted unanimously and without debate as resolution 1383 (2001), by which the Council, *inter alia*:

Endorsed the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions as reported in the letter from the Secretary-General’s dated 5 December 2001;

Called on all Afghan groups to implement that Agreement in full, in particular through full cooperation with the Interim Authority which was due to take office on 22 December 2001;

Reaffirmed its full support for the Special Representative of the Secretary-General and endorsed the missions entrusted to him in annex II to the above-mentioned Agreement;

Declared its willingness to take further action, on the basis of a report by the Secretary-General, to support the interim institutions established by the above-mentioned Agreement and, in due course, to support the implementation of the Agreement and its annexes.

**Decision of 20 December 2001 (4443rd
meeting): resolution 1386 (2001)**

At the 4443rd meeting, on 20 December 2001, the President informed the Council that he had reviewed a letter from the representative of Afghanistan, in which he requested to be invited to participate in the discussion of the item on the Council’s agenda. In acceding to that request, the President stated that the Council recalled that the Interim Authority in Afghanistan would be established on 22 December 2001 and, according to paragraph 3 of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, the Interim Authority would occupy the seat of Afghanistan at the United Nations and the specialized agencies. The President drew the Council’s attention to a letter dated 19 December 2001 from the representative of Afghanistan,⁵⁵ informing the Council that, taking into account all relevant considerations, an international security force could be deployed under Chapter VI or

⁵⁰ *Ibid.*, p. 20.

⁵¹ *Ibid.*, pp. 28-30.

⁵² S/2001/1075.

⁵³ S/2001/1154.

⁵⁴ S/2001/1153.

⁵⁵ S/2001/1223.

VII of the Charter, and to a letter of the same date from the representative of the United Kingdom,⁵⁶ informing the Secretary-General that the United Kingdom was willing to become the initial lead nation for the International Security Assistance Force (ISAF) for Kabul and its surrounding area under the terms of annex I to the Bonn Agreement.

At the same meeting, the President drew the attention of the Council to a draft resolution;⁵⁷ it was adopted unanimously and without debate as resolution 1386 (2001), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Authorized the establishment for six months of the International Security Assistance Force to assist the Afghan Interim Authority;

Called upon Member States to contribute personnel, equipment and other resources;

Authorized the Member States participating in the Force to take all necessary measures to fulfil its mandate;

Called upon the Force to work in close consultation with the Interim Authority as well as the Special Representative of the Secretary-General;

Called on all Afghans to cooperate with the Force and all relevant organizations and welcomed their commitment to ensure the security of United Nations personnel;

Requested the Secretary-General to establish a trust fund and encourages Member States to contribute to such fund;

Requested the leadership of the Force to provide periodic reports on progress towards the implementation of its mandate.

**Decision of 15 January 2002 (4449th meeting):
resolution 1388 (2002)**

At the 4449th meeting, on 15 January 2002, the President (Mauritius) drew the attention of the Council to a draft resolution;⁵⁸ it was adopted unanimously and without debate as resolution 1388 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided that the provisions of paragraphs 4 (a) and (b) of resolution 1267 (1999) did not apply to the Ariana Afghan Airlines aircraft or its funds and other financial resources; and decided to terminate the measure provided for by paragraph 8 (b) of resolution 1333 (2000).

⁵⁶ S/2001/1217.

⁵⁷ S/2001/1228.

⁵⁸ S/2002/54.

**Decision of 16 January 2002 (4452nd meeting):
resolution 1390 (2002)**

At the 4452nd meeting, on 16 January 2002, the President drew the attention of the Council to a draft resolution;⁵⁹ it was adopted unanimously and without debate as resolution 1390 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to continue the measures imposed by paragraph 8 (c) of resolution 1333 (2000) and to terminate those in paragraph 4 (a) of resolution 1267 (1999); decided that all States should take the following measures with respect to Osama bin Laden, Al-Qaida members, the Taliban and other individuals, groups, undertakings and entities associated with them: (a) freeze their funds and other financial assets or economic resources; (b) prevent the entry into or the transit through their territories of those individuals; (c) prevent the direct or indirect supply, sale and transfer from their territories to those individuals of arms and related materiel of all types or technical advice, assistance, or training related to military activities; decided to review these measures in 12 months;

Requested the Committee to undertake the following tasks: (a) to update regularly the list of the aforementioned individuals; (b) to seek from all States information regarding the action taken by them to implement effectively the measures referred to in paragraph 2 of the resolution; (c) to make periodic reports on information submitted to the Committee regarding the implementation of the resolution; (d) to promulgate expeditiously such guidelines and criteria to facilitate the implementation of the measures referred to in paragraph 2; (e) to make information it considered relevant publicly available through appropriate media; (f) to cooperate with other Security Council committees;

Requested all States to report to the Committee in 90 days on steps taken to implement the resolution; requested the Secretary-General to assign the Monitoring Group, whose mandate would expire on 19 January 2002, to monitor, for 12 months, the implementation of the measures imposed by the resolution and to report to the Committee by 31 March 2002 and thereafter every four months.

**Deliberations of 30 January 2002 to
13 March 2002 (4461st, 4469th, 4479th and
4490th meetings)**

At its 4461st meeting, on 30 January 2002, at which no statements were made, the Council heard a briefing from Mr. Hamid Karzai, Chairman of the Interim Administration of Afghanistan. The Chairman reassured the Council that the Interim Administration would strive to build a government that responded to

⁵⁹ S/2002/72.

the wishes of the people and behaved as a responsible member of the international community. He stated that a Loya Jirga, or grand national assembly, would be held by 22 June 2002 to select a head of State and a transitional government, which would prepare a new constitution for ratification by a constitutional Loya Jirga to be held later. Underlining the importance of security, he hoped that the Council would authorize an extension and expansion of the mandate of ISAF beyond Kabul.⁶⁰ Speaking on behalf of the members of the Council, the President welcomed Mr. Karzai and his delegation to the Council and reaffirmed its commitment to supporting the Interim Authority and the transitional process.⁶¹

At its 4469th meeting, on 6 February 2002, at which no statements were made, the Council heard briefings by the Secretary-General and the Special Representative of the Secretary-General for Afghanistan. The Secretary-General briefed the Council on his visits to Japan, Pakistan, Afghanistan, the Islamic Republic of Iran and Qatar, including his participation in the International Conference on Reconstruction Assistance to Afghanistan held in Tokyo.⁶² On Afghanistan, he underlined the importance of security, without which reconstruction would not be possible and donors would not be able to disburse the money they had so generously pledged in Tokyo. The Special Representative reported that, since the transfer of power on 22 December, progress had been made in establishing the Interim Administration as the central government in Afghanistan as well as in preparing for the emergency Loya Jirga in five months. Despite many obstacles, most ministries were starting to carry out their responsibilities, and salaries for their civil servants had been paid for the first time for many years. On security, the Special Representative underlined that peace in Afghanistan was still fragile and called for urgent consideration by the Council to expand ISAF to the rest of the country. On the structure of the further mission, he stated that it would be an integrated mission with a “light footprint”, keeping the international United Nations presence to the minimum required, while Afghans were given as much of a role as possible.⁶³

⁶⁰ S/PV.4461, pp. 2-3.

⁶¹ *Ibid.*, pp. 3-4.

⁶² S/PV.4469, pp. 2-3.

⁶³ *Ibid.*, pp. 3-6.

At its 4479th and 4490th meetings, on 27 February and 13 March 2002, respectively, at which no statements were made, the Council heard briefings by the Under-Secretary-General for Political Affairs, on the “rudiments of the political order emerging in Afghanistan”, including the initial activities of the Special Independent Commission for the Convening of the Emergency Loya Jirga as well as the establishment of the judicial and human rights commissions. On security, he noted with concern that ISAF remained limited to Kabul, while the main threats to the Interim Authority emanated from the provinces. He thus alerted the Council to a “continuing danger” that the existing security apparatus, both Afghan and international, did not adequately address the security threats that were currently discernible, and warned that the manner in which it was addressed might well determine in the very near future whether or not the Bonn process succeeded. He reported some progress achieved in the areas of the training of a new national army, the establishment of a new police, disarmament, and the promotion of education and human rights. However, he voiced concern at the “festering tensions beneath the surface”, with the power of armed groups growing and disarmament programmes in some areas amounting to “commanders disarming their enemies and rearming themselves”. Finally, he noted that the United Nations system was putting the final touches on its plan for the new mission, which would be called the United Nations Assistance Mission in Afghanistan.⁶⁴

**Decision of 28 March 2002 (4501st meeting):
resolution 1401 (2002)**

On 18 March 2002, the Secretary-General submitted a report on the situation in Afghanistan and its implications for international peace and security.⁶⁵ In his report, the Secretary-General observed that in less than three months the Interim Administration had established sufficient international credibility and legitimacy that donors, United Nations agencies and non-governmental organizations were following its lead in helping provide assistance, restoring basic services around the country and formulating a national development framework. A critical turning point in the

⁶⁴ S/PV.4479, pp. 2-5; and S/PV.4490, pp. 2-5.

⁶⁵ S/2002/278, submitted pursuant to resolution 1383 (2001) and as a follow-up to the letter from the Secretary-General to the President of the Security Council dated 5 December 2001 (S/2001/1154).

peace process would be the convening of the emergency Loya Jirga, which had to occur before 22 June 2002, according to the provisions of the Bonn Agreement. He maintained that if the emergency Loya Jirga could be successfully convened as scheduled, and if the Transitional Administration selected by the Loya Jirga could be peacefully installed and domestically accepted thereafter, then the risk of a resumption of war should be greatly reduced. However, security remained the essential requirement for the protection of the peace process. In that context, he noted that the Chairman of the Interim Administration had repeatedly called for the expansion of ISAF to other parts of the country. Afghans were confident that such a geographic expansion to a number of major urban centres would significantly minimize the likelihood of large-scale hostilities erupting again between existing armed factions. Regarding the proposed United Nations mission in Afghanistan, he stated that it was intended to ensure that all forms of United Nations assistance, political, human rights and rule of law, gender, relief, recovery and reconstruction, were channelled towards supporting the implementation of the peace process by the Afghan people.

At its 4497th meeting, on 26 March 2002, the Council heard a briefing by the Deputy Secretary-General and a statement by the Assistant Secretary-General for Political Affairs. In addition to Council members, statements were made by the representatives of Afghanistan, Australia, Bangladesh, Canada, India, the Islamic Republic of Iran, Japan, Kazakhstan, New Zealand, Pakistan, Spain (on behalf of the European Union⁶⁶), Tajikistan and Turkey.

The President (Norway) drew the attention of the Council to the report of the Secretary-General of 18 March 2002.⁶⁵ He also drew the attention of the Council to a letter dated 14 March 2002 from the representative of the United Kingdom addressed to the President of the Council⁶⁷ and to a letter from the representatives of Afghanistan and the Russian Federation.⁶⁸

⁶⁶ Bulgaria, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁶⁷ S/2002/274, transmitting a report on the activities of the International Security Assistance Force in Afghanistan.

⁶⁸ S/2002/283, transmitting the text of a joint Russian-Afghan statement of 12 March 2002.

The Deputy Secretary-General updated the Council on new developments since the issuance of the Secretary-General's report, including the progress made by the Special Commission for the Convening of the Emergency Loya Jirga and the establishment of a working group on the demobilization and reintegration of ex-combatants. She then explained the envisaged structure of the new mission, which was to be composed of two pillars: pillar I for political affairs and pillar II for relief, recovery and reconstruction activities. She said that the mission, which was an "imaginative and constructive response" to the operational challenges on the ground, would have a light expatriate footprint with the aim of ensuring that Afghans took the lead in the post-conflict recovery phase and that the foreign aid pledged actually went to the Afghans.⁶⁹

Speakers expressed unanimous support for the establishment of the United Nations Assistance Mission in Afghanistan (UNAMA), with a light expatriate footprint and heavy reliance on the Afghans. They reaffirmed their commitment to supporting the political transition of Afghanistan as well as the country's recovery, reconstruction and development, including the promotion of human rights and gender equality. They also agreed on the need for continued, long-term commitment by the United Nations to ensure that Afghanistan remained firmly on the path to peace and reconciliation. Many speakers stressed the importance of the rapid development of a unified Afghan police force and army in order to provide security throughout the country.

Several speakers spoke in support of the proposal to expand ISAF beyond the area of Kabul to provide security until the Afghan army could be effectively deployed.⁷⁰

The representative of France noted that the major contributors to ISAF were not in favour of expanding the force beyond Kabul, as it might necessitate it to be involved in settling conflicts, which fell under the purview of Afghan authority.⁷¹ Similarly, the representative of the United States stated that, given the present security situation and the range and variety

⁶⁹ S/PV.4497, pp. 2-6.

⁷⁰ Ibid., p. 7 (Colombia); p. 10 (Syrian Arab Republic); p. 14 (China); p. 15 (Cameroon); p. 23 (Mauritius); p. 31 (Japan); and p. 33 (India).

⁷¹ Ibid., pp. 6-7.

of assistance already available or under way, this delegation did not see the need to expand the area of activity of ISAF.⁷² The representative of Bulgaria noted that a careful approach was necessary with regard to the territorial expansion of ISAF beyond Kabul, and that such expansion needed to take place in tandem with the process of establishing an Afghan national army and police force.⁷³ On the other hand, despite the reservations expressed by some delegations, the representative of the United Kingdom accepted the importance of spreading the ISAF effect outside Kabul, as the future stability and reconstruction of Afghanistan and the return of refugees would depend on adequate security.⁷⁴ The representative of the Russian Federation noted with concern the remnants of the Taliban and Al-Qaida, especially the presence of a “large number of foreign mercenaries, including Chechens”, among those terrorist groups. Regarding ISAF, he maintained that if its mandate needed to be prolonged or expanded, the Council needed to be willing to consider doing so, bearing in mind the requests of the acting authorities in Afghanistan.⁷⁵ The representative of Pakistan, noting that the Bonn Agreement stipulated the establishment of a United Nations-mandated force for the maintenance of security in Kabul and other areas of the country, stressed that the size and scope of ISAF needed to be expanded and extended to all of the country, especially the major urban centres. ISAF, in the absence of a proper Afghan security force, was the only option, and restricting it to Kabul would defeat the very purpose for which it was established.⁷⁶ The representative of Australia stated that while, the idea of expanding and extending ISAF was “to be encouraged”, planning had to be based on realistic expectations.⁷⁷

The representative of Spain stated that the European Union supported the proposed mandate of UNAMA, which provided for an integrated structure under the authority of the Special Representative of the Secretary-General, and appealed for a strong and effective coordination in the field.⁷⁸ The representative of Canada believed that the preparations for the emergency Loya Jirga in June would be the key to

installing a broadly representative government and urged the Special Commission to ensure that the preparations for the Loya Jirga remained equitable and transparent.⁷⁹ The representative of the Islamic Republic of Iran stated that, while his delegation understood that an appropriate dose of international assistance was necessary to help maintain peace on the ground, it was in the interest of lasting peace in Afghanistan that, given the sensitivities of the Afghans, it was in the interest of lasting peace that the foreign presence in that country remain as minimal and as brief as possible.⁸⁰ The representative of New Zealand expressed hope that in the event that decision was made to extend the mandate of ISAF beyond Kabul, additional countries would join in the security operation. The representative of Afghanistan expressed appreciation to the efforts of the United Nations and reiterated that the Interim Administration remained committed to the implementation of the Bonn Agreement. With regard to the extension of ISAF beyond the capital, his delegation considered it imperative that the views of the Interim Administration be sought.⁸¹

On behalf of the Secretary-General, the Assistant Secretary-General for Political Affairs expressed gratitude for the support by delegations for the mandate and structure of the envisaged integrated mission in Afghanistan, whose central idea was to have a coherent mission structure in which all aspects were carefully integrated with each other.⁸² Underlining the importance of security, he “wholeheartedly” agreed with the United Kingdom’s call for an expansion of the ISAF effect beyond Kabul, and stated that he looked forward to further suggestions and specific ideas in this regard.

At its 4501st meeting, on 28 March 2002, the Council included in its agenda the report of the Secretary-General dated 18 March 2002.⁸³ The President then drew the attention of the Council to a draft resolution;⁸⁴ it was adopted unanimously and without debate as resolution 1401 (2002), by which the Council, *inter alia*:

⁷² *Ibid.*, pp. 8-9.

⁷³ *Ibid.*, p. 16.

⁷⁴ *Ibid.*, pp. 16-17.

⁷⁵ *Ibid.*, pp. 20-21.

⁷⁶ *Ibid.*, p. 29.

⁷⁷ *Ibid.*, p. 32.

⁷⁸ *Ibid.*, pp. 25-27.

⁷⁹ S/PV.4497 (Resumption 1), pp. 2-3.

⁸⁰ *Ibid.*, p. 8.

⁸¹ *Ibid.*, pp. 11-12.

⁸² *Ibid.*, pp. 12-13.

⁸³ S/2002/278; see also footnote 65.

⁸⁴ S/2002/320.

Endorsed the establishment, for an initial period of 12 months from the date of adoption of the resolution, of the United Nations Assistance Mission in Afghanistan, with the mandate and structure laid out in the report of the Secretary-General of 18 March 2002;

Stressed that the provision of focused recovery and reconstruction assistance could greatly assist in implementation of the Bonn Agreement;

Urged bilateral and multilateral donors, in particular through Afghanistan Support Group and the Implementation Group, to coordinate closely with the Special Representative of the Secretary-General, the Afghan Interim Administration and its successors;

Stressed also that recovery and reconstruction assistance ought to be provided and implemented effectively, where local authorities contributed to maintenance of a secure environment and demonstrated respect for human rights; and called upon all Afghan parties to cooperate with the Mission in the implementation of its mandate and to ensure security and freedom of movement of its staff throughout the country.

Deliberations of 25 April 2002 (4521st meeting)

At its 4521st meeting, on 25 April 2002, at which no statements were made, the Council heard a briefing by the Vice-Chairman of the Interim Administration of Afghanistan and Minister for Women as well as a briefing by the Under-Secretary-General for Political Affairs.

While reporting “great progress” made in the political transition, the Vice-Chairman of the Interim Administration of Afghanistan and Minister for Women called for the immediate expansion of ISAF and requested the leaders of all nations to consider carefully their responsibilities and to weigh the political and economic costs of expanding the force against the “great risk” of not taking action and not strengthening security. “Let us not leave the job of restoring peace in Afghanistan half finished”, she stated, reiterating that the international community must renew its commitment to come together collectively and decisively to root out the elements of instability and give sustained support to rebuilding peace in Afghanistan.⁸⁵ The Under-Secretary-General for Political Affairs reported that preparations for the emergency Loya Jirga, to be held in June 2002 under the Bonn Agreement, were on track with the first phase of selecting representatives already under way, and he remained hopeful that the Loya Jirga would be held on

⁸⁵ S/PV.4521, pp. 2-3.

schedule and would lead to a smooth transition to the next phase of the Bonn process. On the areas of recovery and development, he reported that UNAMA was leading efforts to design and implement a series of integrated area development programmes in ten priority regions of the country. However, he warned that the security remained a major challenge in many parts of the country and substantial financial assistance was going to be required, and appealed to the international community to speed up the delivery of its assistance and to broaden its scope to include still unmet needs related to security.⁸⁶

Decision of 23 May 2002 (4541st meeting): resolution 1413 (2002)

At its 4541st meeting, on 23 May 2002, the Council heard a briefing by the Under-Secretary-General for Political Affairs. In addition to Council members, statements were made by the representatives of Afghanistan, Canada, India, the Islamic Republic of Iran, Japan, New Zealand, Pakistan, Spain (on behalf of the European Union⁸⁷) and Turkey.

The Under-Secretary-General for Political Affairs stressed that the emergency Loya Jirga, which was to be held in less than three weeks, constituted a pivotal test for the Bonn process. UNAMA had been focusing most of its resources on ensuring that the Loya Jirga was held on time and under as free and fair conditions as circumstances allowed. Phase I of the Loya Jirga process required holding of about 380 district assemblies, which would select electoral colleges of between 20 to 60 members. In phase II, those colleges would elect by secret ballot representatives to the Loya Jirga. In phase III, the emergency Loya Jirga would be held with about 1,000 elected representatives and 500 selected representatives. He stated that phase I, which had been completed in 300 of 380 districts, had so far not been perfect but had, nevertheless, been better than expected in many ways. He believed that the process thus far had demonstrated the capacity for reconciliation and compromise among Afghans, as they realized the importance of not losing this opportunity for peace and reconstruction. He noted with concern

⁸⁶ Ibid., pp. 3-6.

⁸⁷ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

that the security situation in Afghanistan, in particular outside Kabul, remained a major concern.⁸⁸

Most speakers welcomed the progress made in preparing for the emergency Loya Jirga, which was the key to the successful implementation of the Bonn process, and reaffirmed their support for the leading role of the United Nations in implementing the process. They agreed on the urgent need to train a new national army and police force in order to restore and maintain security throughout the country. Several delegations welcomed the willingness of Turkey to take over the command of ISAF from the United Kingdom on 20 June, and stated that his country would be responsible for training two battalions of a new Afghan army.

The representative of the United States reported that his country's efforts to train the Afghan army were well under way, with 140 Special Forces troops arriving in Afghanistan at the end of April. He believed that the United States and coalition efforts to address the security imperatives beyond Kabul had been successful to date and that they continued to envision potential security concerns outside Kabul being addressed as necessary by the forces of the coalition and Operation Enduring Freedom.⁸⁹

The representative of the Russian Federation reiterated the need to exclude the Taliban and their followers from participation in the future organs of State power.⁹⁰

The representative of Singapore cautioned that the successful convening of the Loya Jirga itself would not guarantee the long-term stability in the country, as much more needed to be done in areas relating to humanitarian relief, recovery and reconstruction as well as to the security situation.⁹¹ The representative of the Islamic Republic of Iran believed that while the security situation remained fragile and unpredictable, the presence of foreign forces in Afghanistan should remain as minimal and as brief as possible "in the light of Afghan sensitivities and past experience".⁹²

The representative of Afghanistan expressed the belief that the establishment of the new Afghan

security force, the details of which had been explained at Geneva by the Afghan Interim Minister for Foreign Affairs, could greatly contribute to security and stability throughout the country.⁹³ The representative of Turkey reaffirmed his country's determination to take over the command of ISAF, with the understanding that the mandate and the areas of operation of the multinational force would be maintained as stipulated by resolution 1386 (2001).⁹⁴

The President (Singapore) drew the attention of the Council to a draft resolution;⁹⁵ it was adopted unanimously as resolution 1413 (2002), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the authorization, for a period of six months beyond 20 June 2002, of the International Security Assistance Force, as defined in resolution 1386 (2001);

Authorized Member States participating in the Force to take all necessary measures to fulfil the mandate of the Force;

Called upon Member States to contribute personnel, equipment and other resources to the Force, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001).

**Decision of 26 June 2002 (4560th meeting):
resolution 1419 (2002)**

At its 4557th meeting,⁹⁶ on 21 June 2002, the Council heard a briefing by the Under-Secretary-General for Political Affairs, who reported on the successful convening of the emergency Loya Jirga on 11 June with the participation of 1,656 voting delegates from all over the country and abroad. On 13 June, the Loya Jirga elected Mr. Hamid Karzai as the Head of State, who would announce the final composition of the Cabinet within a few days. He urged other Afghan leaders to support the Transitional Authority, as there should always be another future occasion to compete for power. He stated that a vast amount of work lay ahead for each ministry, and hoped that the Cabinet would focus on its administrative and governance functions. He noted that there had been a deterioration of the security situation in some parts of Afghanistan and urged the international community to assist the

⁸⁸ S/PV.4541, pp. 2-4.

⁸⁹ *Ibid.*, pp. 8-9.

⁹⁰ *Ibid.*, p. 12.

⁹¹ *Ibid.*, p. 19.

⁹² *Ibid.*, p. 27.

⁹³ *Ibid.*, pp. 29-30.

⁹⁴ *Ibid.*, p. 30.

⁹⁵ S/2002/569.

⁹⁶ The representative of Afghanistan was invited to participate but did not make a statement.

Government of Afghanistan in bringing its authority to bear on insecure areas of the country. He stated that, given the importance of peace and security in the transitional period, the contributing nations to ISAF and the Council might wish again to consider the possibility of a limited expansion of ISAF to areas outside Kabul, particularly those where there was a clear pattern of emerging insecurity that, if left to evolve without countervailing pressure, could seriously threaten the further implementation of the Bonn process. He concluded by urging the international community to continue to assist the Afghans and the United Nations in meeting the new challenges in the implementation of the process.⁹⁷

At the 4560th meeting, on 26 June 2002, the representative of Afghanistan was invited to participate. The President (Syrian Arab Republic) drew the attention of the Council to a draft resolution;⁹⁸ it was adopted unanimously and without debate as resolution 1419 (2002), by which the Council, *inter alia*:

Reiterated its strong support for the Transitional Authority in the full implementation of the Bonn Agreement, including the establishment of a constitutional commission, and in strengthening the central government, building a national army and police force, implementing demobilization/reintegration activities and improving the security situation throughout Afghanistan, combating illicit drug trafficking, ensuring respect for human rights, implementing judicial sector reform, establishing the basis for a sound economy and reconstructing productive capacity and infrastructure;

Urged the Transitional Authority to build on efforts of the Interim Administration to eradicate the annual poppy crop;

Urged also the Transitional Authority to build further on efforts of the Interim Administration to promote the welfare and interests of Afghan women and children and to provide education to boys and girls;

Stressed once again the importance of continued international support to complete the process according to the Bonn Agreement;

Decided to remain actively seized of the matter.

Deliberations of 19 July to 30 October 2002 (4579th, 4611th and 4638th meetings)

At its 4579th meeting, on 19 July 2002, the Council included in its agenda the report of the

Secretary-General on the situation in Afghanistan and its implications for international peace and security.⁹⁹ In his report, the Secretary-General described the progress in implementing the Bonn Agreement, including the successful conclusion of the emergency Loya Jirga held from 11 to 19 June 2002. Despite some imperfections in the nomination and selection of delegates and incidents of intimidation during the assembly, he considered that it was noteworthy that such an enormous logistical undertaking was carried out within a very tight schedule and accomplished the tasks of electing the Head of State and approving the structures and appointment of the Transitional Authority. He stated that the main tasks ahead would be the establishment of a constitutional commission for the drafting of a new constitution; the convening, within 18 months, of a Constitutional Loya Jirga; and preparations for general elections. He observed that in the absence of a functional national army and an ISAF presence outside of Kabul, the climate of insecurity would be difficult to eliminate. Therefore, he continued to strongly advocate a limited expansion of ISAF beyond Kabul.

At the meeting, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan, following which, in addition to all members of the Council, statements were made by the representatives of Afghanistan, Canada, Denmark (on behalf of the European Union¹⁰⁰), India, the Islamic Republic of Iran, Japan, Malaysia, Nepal, Pakistan, the Republic of Korea, Tajikistan, Turkey and Ukraine, as well as the representative of the Organization of the Islamic Conference.

The Special Representative stated that the peace process was so far on track and pointed to a few factors which gave cause for cautious optimism, including that the people were truly tired of fighting after 23 years of a long and bitter conflict and that all the deadlines set out in the process had been met on time. He noted that while the Loya Jirga was not designed to be a perfect democratic or representative process, it did incorporate significant and innovative democratic elements. On the question of security, he reiterated that the real key to

⁹⁹ S/2002/737, submitted pursuant to resolution 1401 (2002).

¹⁰⁰ Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

⁹⁷ S/PV.4557, pp. 2-5.

⁹⁸ S/2002/703.

the restoration of security lay in the creation of a national army and police force, along with a strong demobilization programme. Equally important would be the proposed reform of the National Directorate for Security, he said, maintaining that it was not acceptable to the people to feel threatened by the intelligence and other securities services in their country. Furthermore, he remained convinced that the expansion of ISAF would have an enormous impact on security and that it could be achieved with relatively few troops, at relatively little cost and with little danger to those troops. He stressed that the Transitional authority needed to also proceed quickly to establish a constitutional commission to undertake the sensitive task of drafting the country's new constitution. On the structure of UNAMA, he stated that the underlying philosophy of the Mission remained the same: on the one hand, integration, so that political activities were linked to and informed by those in the relief, recovery and reconstruction sectors, and linked as well to the four cross-cutting areas — that was, gender, human rights, the rule of law and demobilization. On the other hand, the Mission was to have a light expatriate footprint and strive to build Afghan capacities so that Afghans could take over as many of the functions that outsiders were not performing as soon as possible.¹⁰¹

Most speakers welcomed the progress made so far in implementing the Bonn process, in particular the successful convening of the emergency Loya Jirga, and reaffirmed their commitment to assisting the Transitional Authority in meeting further challenges and difficulties in the months to come. They expressed support for UNAMA, which would continue to play the leading role in helping the Transitional Authority to implement the process. A number of speakers also stressed the importance of combating drug production. Several speakers also stressed the need to strengthen security and stability throughout the country, facilitate return of refugees, ensure a minimum of economic and social developments, and strengthen popular participation in the context of the democratic transformation in the Afghan society.

The representative of the United States reaffirmed that the United States efforts in Afghanistan had continued to be centred on the conduct of the war on terror, with roughly 8,000 coalition troops focusing on destroying the remains of Al-Qaida. He maintained that

¹⁰¹ S/PV.4579, pp. 3-6.

the backbone of Afghanistan's security apparatus must ultimately be the Afghan national army, adding that more than 250 United States and French military trainers had been working closely with the Afghans to train the army.¹⁰²

The representative of the Russian Federation stated that as it did not seem possible to expand ISAF, it was necessary to speed up the establishment of an effective Afghan national army.¹⁰³ Similarly, the representative of the United Kingdom attached early and particular importance to progress on security sector reform, within the framework of a coherent overall strategy. He underlined the importance of ensuring consistency between the ongoing army training and the programmes for demobilization of private militias.¹⁰⁴

The representative of Afghanistan expressed appreciation for the international assistance in implementing the Bonn process, which could be considered a "paramount success of United Nations peacemaking efforts at the beginning of the twenty-first century". However, despite the series of positive developments, he acknowledged that much remained to be done. In order to establish its full authority throughout the country, he said, the Transitional Authority had made the formation of an ethnically and regionally balanced national army one of its main objectives.¹⁰⁵ The representatives of India and the Islamic Republic of Iran noted with concern that the continued regrouping of Al-Qaida and Taliban cadres along Afghanistan's southern and south-eastern borders heavily impinged on the security situation in Afghanistan as well as on the rest of the region.¹⁰⁶ The representative of Pakistan emphasized that despite casualties and some anticipated domestic difficulties, the Government of Pakistan had not flinched or faltered in supporting the campaign to root out Al-Qaida and other terrorist elements from Afghanistan and entire region.¹⁰⁷

At its 4611th meeting,¹⁰⁸ on 19 September 2002, the Council heard a briefing by the Special

¹⁰² Ibid., pp. 10-11.

¹⁰³ Ibid., p. 17.

¹⁰⁴ Ibid., pp. 23-24.

¹⁰⁵ Ibid., pp. 24-26.

¹⁰⁶ S/PV.4579 (Resumption 1), p. 9 (India); and p. 11 (Islamic Republic of Iran).

¹⁰⁷ Ibid., p. 16.

¹⁰⁸ The representative of Afghanistan was invited to participate but did not make a statement.

Representative of the Secretary-General for Afghanistan. Explaining the developments since his last briefing, the Special Representative stated that Afghanistan had come a long way in its implementation of the Bonn process. He reported that the United Nations was committed to supporting the Transitional Authority in the development of the national development framework and the national budget in the coming months, and that UNAMA was working together with the authority to accelerate the development of the government, to decentralize assistance and develop subregional programmes tailored to the needs of individual provinces, and to develop a more integrated and cost-effective United Nations response. In the absence of the expansion of ISAF, which disappointed the people in Afghanistan and neighbouring countries, the Special Representative expressed hope that focused discussion would soon take place in Kabul on the issue of security, with the participation of Afghan authorities, the United Nations and key members of the international community. Before the end of the year, he said, Afghanistan should have a credible and achievable agenda to build a national army and a national police that would progressively take over from the present factional and de facto forces all over the country.¹⁰⁹

At its 4638th meeting,¹¹⁰ on 30 October 2002, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan. The Special Representative noted with concern that security remained a priority for the people of Afghanistan, with sporadic fighting erupting from time to time, particularly in the north, the north-east and, to a lesser extent, the west. He noted that the Government did not yet have the means to deal in an effective manner with the underlying problems, and reiterated that there would be no long-term solution to the security problems unless and until a well-trained, well-equipped and regularly paid national police and a national army were in place. He reported that a drafting committee, which was to submit a draft new constitution by the end of 2003, had been formed and started its work, with UNAMA providing support as mandated by the Bonn Agreement. The Special Representative expressed concern that the human rights situation remained worrisome in many respects and cited as underlying causes the lack of security and the

weakness of the central government, warlordism, persistent factional conflicts and a dysfunctional justice system. He also reported that the Government had taken an important step to reform the country's finances through the introduction of a new currency, which was aimed to revitalize the financial and banking systems throughout the country and deprive other groups of their ability to print currency.¹¹¹

Decision of 27 November 2002 (4651st meeting): resolution 1444 (2002)

At the 4651st meeting, on 27 November 2002, the representative of Afghanistan was invited to participate in the discussion. The President of the Council (China) drew the attention of the Council to a draft resolution.¹¹² The President also drew the attention of the Council to a letter dated 21 October 2002 from the representative of Turkey,¹¹³ as well as a letter dated 25 November 2002 from the Secretary-General to the President of the Security Council, transmitting a joint letter from the Ministers for Foreign Affairs of Germany and the Netherlands, in which the two Governments expressed their willingness to assume the lead nation status for ISAF for a period of six months following an extension of its mandate by the Council.¹¹⁴

The Council then, unanimously and without debate, adopted the draft resolution as resolution 1444 (2002), by which it, acting under Chapter VII of the Charter, inter alia:

Decided to extend the authorization, for a period of one year beyond 20 December 2002, of the Force, as defined in resolution 1386 (2001);

Authorized the Member States participating in the Force to take all necessary measures to fulfil the mandate of the Force;

Called upon Member States to contribute personnel, equipment and other resources to the Force, and to make contributions to the Trust Fund established pursuant to resolution 1386 (2001);

Requested the leadership of the Force to provide quarterly reports on implementation of its mandate, through the Secretary-General;

Decided to remain seized of the matter.

¹⁰⁹ S/PV.4611, pp. 2-5.

¹¹⁰ The representative of Afghanistan was invited to participate but did not make a statement.

¹¹¹ S/PV.4638, pp. 2-6.

¹¹² S/2002/1278.

¹¹³ S/2002/1196, transmitting the third report on the work of ISAF, covering the period from 1 to 30 September 2002.

¹¹⁴ S/2002/1296.

**Deliberations of 13 December 2002
(4664th meeting)**

At its 4664th meeting,¹¹⁵ on 13 December 2002, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations. The Assistant Secretary-General updated the Council on main developments in Afghanistan, including the holding of the anniversary meeting of the Bonn Conference in Germany on 2 December, which was to review the progress made so far and reaffirm their commitment to the peace process. The participants of the meeting had identified a number of specific challenges, such as the importance of building a national army and police that were effective and ethnically balanced and the need for the Government of Afghanistan and the international community to establish clear benchmarks and timelines to ensure the full implementation of the Bonn Agreement. He welcomed the agreement reached between Afghanistan and its neighbours to sign on good-neighbourly relations, mutual cooperation and non-interference in their respective internal affairs. He also stressed that a key part of the Government's strategy to assert its authority depended on its ability to raise domestic revenue, including transfer of public income from provinces to the national treasury and reform of Customs houses. He reported that a new judicial commission had been formed, and that the constitutional drafting committee, which had been inaugurated on 3 November 2002, would be guided by the 1964 Constitution in preparing the new constitution. He stated that while the progress made so far was "encouraging", the achievements so far and future progress depended on continued improvement in the security situation.¹¹⁶

**Decision of 24 December 2002 (4682nd
meeting): resolution 1453 (2002)**

At the 4682nd meeting, on 24 December 2002, the representative of Afghanistan was invited to participate in the discussion. The President drew the attention of the Council to the Kabul Declaration on Good-Neighbourly Relations.¹¹⁷

¹¹⁵ The representative of Afghanistan was invited to participate but did not make a statement.

¹¹⁶ S/PV.4664, pp. 2-6.

¹¹⁷ S/2002/1416, annex.

The President (Colombia) then drew the attention of the Council to a draft resolution;¹¹⁸ it was adopted unanimously and without debate as resolution 1453 (2002), by which the Council, *inter alia*:

Welcomed and endorsed the Kabul Declaration on Good-Neighbourly Relations signed by the Transitional Administration of Afghanistan and the Governments of States neighbouring Afghanistan in Kabul on 22 December 2002;

Called on all States to respect the Declaration and to support the implementation of its provisions;

Requested the Secretary-General to report to the Council as appropriate on the implementation of the Declaration, in the context of his regular reporting on Afghanistan, including information provided by the signatories.

**Deliberations of 31 January to 24 February
2003 (4699th and 4711th meetings)**

At its 4699th meeting,¹¹⁹ on 31 January 2003, the Council heard a briefing by the Special Representative of the Secretary-General for Afghanistan. Looking back on the first year of the Bonn process, the Special Representative stated that the Afghanistan had made progress on many fronts, with major political milestones reached on time, including the holding of the emergency Loya Jirga and the establishment of the Transitional Administration led by President Karzai. However, he believed that the peace process needed to progress much further before it became irreversible, and that in 2003 the country would have to focus on three main areas: first, solidifying the key institutions of the State; second, pursuing national reconciliation; and thirdly, showing tangible results on reconstruction projects throughout the country. The Special Representative also updated the Council on the details of the security sector reform, including training of the new army and police force; demobilization of former combatants; judicial reform and the restoration of the rule of law; the drafting of a new constitution; preparations for national elections scheduled for June 2004; and protection of human rights.¹²⁰

At its 4711th meeting, on 24 February 2003, the Council heard briefings by the Under-Secretary-General for Peacekeeping Operations, the Ambassador of Japan in charge of Afghan aid coordination, and the

¹¹⁸ S/2002/1415.

¹¹⁹ The representative of Afghanistan was invited to participate but did not make a statement.

¹²⁰ S/PV.4699, pp. 2-6.

Special Representative of the Government of Germany for the training of the Afghan police force, following which statements were made by most Council members, as well as the representative of Afghanistan.¹²¹

The Under-Secretary-General for Peacekeeping Operations observed that while the Bonn process had so far successfully averted full-scale fighting between major factions, Afghans continued to suffer from the insecurity created by the conjunction of weak national institutions and strong local commanders. He noted that security sector reform was made all the more urgent by the complex political activities planned for the next 16 months, as the security sector must be able to provide minimal conditions of stability to ensure that the Constitutional Loya Jirga and the national elections were meaningful and credible. He argued that in the months ahead, the political underpinnings of security sector reform must be strengthened by the deeds and words of the Transitional Administration. He noted in this context that the police, army and intelligence services were “still viewed by too many Afghans as politically biased”. The chances of successfully reforming the security sector would be much enhanced if the statements of Afghan authorities on national reconciliation were demonstrably upheld.¹²²

The Ambassador of Japan in charge of Afghan aid coordination briefed the Council on the envisaged disarmament, demobilization and reintegration process. He reported that a solid foundation for the process was being laid and would soon commence. Nevertheless, he anticipated that disarmament, demobilization and reintegration in Afghanistan would be difficult in view of the heavy legacy of factional rivalries. The fact that a new national army must be built in parallel with disarmament, demobilization and reintegration added to the complexity of the undertaking. He stated that challenges to the process included the question of determining the number of soldiers to be released from armed formation, development of a mechanism for the collection of light and heavy weapons, and confidence-building among all parties. In view of the general elections scheduled for June 2004, he stated that once

it began, the disarmament process would take one year.¹²³

The Special Representative of the Government of Germany for the training of the Afghan police force reported that the reorganization of the police and the Ministry of the Interior was making good progress. Stressing that 2003 would be decisive, he expressed the hope that it would see the consolidation of work of the re-established central police institutions in Kabul; the further development of the training system and the inclusion in it of the country’s patrolmen; the build-up of a professional border police and, above all, the transfer of results achieved in Kabul to other parts of the country. He anticipated that the level of development and achievement would depend on positive developments in the general security situation and the participation of the international community.¹²⁴

All representatives expressed their appreciation for the briefings, and asked a number of technical questions related to the programmes they had described, including, inter alia, on the possibility of NATO involvement in the reconstruction of the interior ministry; what mechanisms had been envisaged to coordinate efforts to create a national police force with the establishment of provincial police forces; and whether the design of the disarmament, demobilization and reintegration process would include measures to curb the smuggling of arms outside of Afghanistan. The Ambassador of Japan in charge of Afghan aid coordination, the Under-Secretary-General for Peacekeeping Operations and the Special Representative of the Government of Germany for the training of the Afghan police force then responded to the questions and comments raised by the delegations.

**Decision of 28 March 2003 (4730th meeting):
resolution 1471 (2003)**

At its 4727th meeting,¹²⁵ on 27 March 2003, the Council included in its agenda the report of the Secretary-General on the situation in Afghanistan and

¹²¹ The representative of Germany did not make a statement.

¹²² S/PV.4711, pp. 3-6.

¹²³ Ibid., pp. 6-8.

¹²⁴ Ibid., pp. 9-11.

¹²⁵ At its 4712th meeting, held in private on 24 February 2003, the Council was briefed by the Special Representative of the Government of Germany for the training of the Afghan police force, with the participation of the Under-Secretary-General for Peacekeeping Operations.

its implications for international peace and security.¹²⁶ In his report, the Secretary-General described the ongoing implementation of the Bonn Agreement by the Afghan Transitional Administration, supported by UNAMA. He explained the key political processes to further the transition towards a multi-ethnic, gender-sensitive, and fully representative Government of Afghanistan, including the Afghan-led constitutional process and the preparation of national elections to be held in June 2004. He noted with concern that security remained the most serious challenge facing the peace process. Re-establishment of the rule of law, elimination of human rights abuses, reconstruction and political transformation were all impeded by the uncertain security situation. He also proposed adjustments to the UNAMA structure, including small additions to the military and police adviser's units, and the establishment of an electoral section headed by a senior expert and supported by an appropriately sized team.

At the meeting,¹²⁷ the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations.

The Assistant Secretary-General for Peacekeeping Operations stated that UNAMA would continue to focus on assisting the Government of Afghanistan with consolidating its authority throughout the country and implement national policies that reached the entire nation. This effort would build upon progress made last year in establishing the essential structures of Government and in proving that these structures could work at a basic level. The Assistant Secretary-General stated that one of the most pressing challenges ahead for the Government of Afghanistan was to strengthen the links between Kabul and the provinces and to strengthen the capacity of the provincial and local governments themselves. For this to occur, however, security outside Kabul needed to significantly improve. He maintained that administrative development and security sector reform should be coupled with a political transformation process that ensured that the Government was representative and accountable to all segments of the population. In this regard, he stressed, the drafting and

approving of a new constitution and preparations for general elections in 2004 would be key tasks.¹²⁸

At its 4730th meeting, on 28 March 2003, the Council again included in its agenda the report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security.¹²⁶ The representative of Afghanistan was invited to participate.

The President drew the attention of the Council to a draft resolution;¹²⁹ it was adopted unanimously and without debate as resolution 1471 (2003), by which the Council, *inter alia*:

Decided to extend UNAMA for an additional period of 12 months from the date of adoption of the resolution;

Stressed that the continued provision of focused recovery and reconstruction assistance can contribute significantly to the implementation of the Bonn Agreement;

Stressed also that, while humanitarian assistance should be provided wherever there was a need, recovery or reconstruction assistance ought to be provided, through the Transitional Administration, and implemented effectively, where local authorities demonstrated a commitment to maintaining a secure environment, respecting human rights and countering narcotics;

Requested UNAMA, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist the Afghan Independent Human Rights Commission in the full implementation of the human rights provisions of the Bonn Agreement and the National Human Rights Programme for Afghanistan, in order to support the protection and development of human rights in Afghanistan;

Requested the International Security Assistance Force, in implementing its mandate in accordance with resolution 1444 (2002), to continue to work in close consultation with the Secretary-General and his Special Representative.

Deliberations of 6 May 2003 (4750th meeting)

At the 4750th meeting, on 6 May 2003, the representative of Afghanistan was invited to participate. The Council then heard a briefing by the Special Representative of the Secretary-General for Afghanistan.

The Special Representative reported on the progress made by UNAMA in supporting the Transitional Administration, including the establishment of the Constitutional Commission and the Judicial

¹²⁶ S/2003/333 submitted pursuant to resolution 1401 (2002).

¹²⁷ The representative of Afghanistan was invited to participate but did not make a statement.

¹²⁸ S/PV.4727, pp. 2-6.

¹²⁹ S/2003/380.

Reform Commission and the activities of the Afghan Independent Human Rights Commission, as well as the creation of an electoral unit within UNAMA. However, despite such progress, he noted with concern that the security situation remained unstable and insufficient in much of Afghanistan and cast a long shadow over the whole peace process. Rivalries among factions and local commanders, impunity with regard to human rights violations and daily harassment of ordinary Afghan citizens by both commanders and local security forces were all too common. Furthermore, forces believed to be associated with the Taliban, with Al-Qaida and with Gulbuddin Hekmatyar had been stepping up operations against the coalition as well as against Afghan military and non-military targets in the south, south-east and the east of the country. He also stated that Afghanistan's neighbours played a crucial role in helping to ensure that the country's security was maintained, and pointed to "worrying reports" of hostile elements crossing into Afghanistan over the eastern and southern borders. While the focus for the first year had been on Kabul, he stressed that the rest of the country needed to experience increased security lest support for the Government and the Bonn process eroded dangerously. In view of this, he asked the Council once again to carefully consider what international measures were available to help ensure the security needed for the Bonn process to effectively process, adding that he still believed that expansion of ISAF beyond Kabul remained an option. He also thought that the provincial reconstruction teams deployed by the coalition could play an important part in addressing the problems of security.¹³⁰

**Decision of 17 June 2003 (4774th meeting):
statement by the President**

At its 4774th meeting,¹³¹ on 17 June 2003, the Council heard briefings by the Under-Secretary-General for Peacekeeping Operations and the Director General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime. In addition to Council members, statements were made by the representatives of Afghanistan, Colombia, Greece (on behalf of the

European Union¹³²), India, the Islamic Republic of Iran, Japan, Kazakhstan, New Zealand, Norway, the Philippines, the Republic of Korea, Tajikistan, Ukraine and Uzbekistan.

The Under-Secretary-General for Peacekeeping Operations welcomed the Council's focus on the problem of drugs, given the importance of the issue to the immediate and long-term stability of the country and the region. He reported on the positive developments over the past month, including President Karzai's action aimed at expanding his Government's authority in the provinces, the commencement of public consultations on the new Constitution, and planning for the electoral process which was in its final stage. However, he noted with concern that the security situation had remained a serious impediment to progress and was a major risk to the entire process. For instance, he pointed out that the majority of provincial authorities continued to act with an autonomy that denied the Transitional Administration the means to implement its national development plan. The overall human rights situation continued to be negatively affected by extortion by local commanders, arbitrary detentions and the general lack of the rule of law. This remained a source of instability and diminished the credibility of the Government. He reported that the Constitutional Commission had formally started public consultations on 6 June, with teams of three Commissioners leading the consultations with elders, local shuras and ordinary citizens in all 32 provinces as well as with the refugee community in the Islamic Republic of Iran and Pakistan.¹³³

The Executive Director of the United Nations Office on Drugs and Crime informed the Council to the forecast that, despite current counter-narcotics efforts, Afghanistan would continue to be the world's largest opium producer in the coming years. To rid the country of its dependence on illegal activities, he underlined the need to create ample and easily accessible opportunities for alternative, licit sources of income for Afghan farmers. This task, he stated, required much greater political, security and financial capital than was presently available to assist the rural areas affected by opium production and above all, to improve the ability

¹³⁰ S/PV.4750, pp. 2-8.

¹³¹ For more information on the discussion at this meeting, see chap. XI, part I, section B, with regard to Article 39 of the Charter.

¹³² Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey aligned themselves with the statement.

¹³³ S/PV.4774, pp. 3-6.

of the central Government to implement its opium production ban. He stated that it was essential to help farmers decide in favour of licit crops; to replace local narco-users with microcredit programmes; to provide jobs and education to women and children; to turn bazaars into modern trading places; and to neutralize warlords and their efforts to keep the drug trade alive. Moreover, he called on the international community to develop a comprehensive approach, including promotion of concrete measures against drug trafficking, stockpiling, clandestine laboratories and supply of precursors in Afghanistan and its neighbours.¹³⁴

Most representatives shared the concern about unabated production of opium in Afghanistan and welcomed the initiative of the Russian Federation in convening the meeting on this subject. They expressed support for the United Nations Office on Drugs and Crime, which needed to lead the international effort to counter production and trafficking of narcotics. To address the root causes of the drug problem, they agreed on the need to ensure security throughout the country and help strengthen the capacity of the Transitional Administration.

The representative of France reported that the representatives of 55 countries affected by the trafficking of opium and heroin produced in Afghanistan had met in Paris on 22 May and adopted a declaration, in which they agreed to coordinate their efforts in this regard.¹³⁵ The representative of the United Kingdom urged the Council to put its weight behind the implementation of the national drug control strategy adopted by the Transitional Administration.¹³⁶ The representative of Germany argued that the success of counter-narcotics efforts depended not only on credible enforcement measures but, at the same time, on the availability of alternative sources of livelihood.¹³⁷

The representative of the United States reaffirmed his Government's commitment to working with Pakistan and Afghanistan's Central Asian neighbours to strengthen legal and institutional capacities to confront the drug trafficking that posed as much of a threat to

their own integrity as it did to that of Afghanistan.¹³⁸ The representative of Pakistan noted with concern that, before the conflict had begun in Afghanistan, the number of drug addicts in Pakistan had been negligible, while there were now nearly 3.5 million of them.¹³⁹

The representative of the Russian Federation noted that, being located on the historic crossroads of world trade routes, his country had now become a transit bridge for smuggling Afghan drugs. He called for an effective and comprehensive strategy of international action, whereby internal Afghan measures were organically supplemented by efforts around and beyond Afghanistan.¹⁴⁰

The representative of Afghanistan reported that his Government had adopted the Afghan national drug control strategy, which encompassed programmes for alternative livelihoods, the enhancement of the capacity of law enforcement agencies and the improvement of national legislation.¹⁴¹

The representative of Kazakhstan stressed the importance of the Kabul Declaration of Good-Neighbourly Relations signed in 2002 by Afghanistan and its six neighbouring countries, wherein the seven signatories reaffirmed their determination to defeat terrorism, extremism and drug trafficking.¹⁴² The representative of the Islamic Republic of Iran maintained that insecurity and drug trafficking in Afghanistan were mutually reinforcing, and both contributed in turn to terrorism and other forms of transitional crime. The recognition of this, he said, should compel Governments to begin revamping their strategy for the war on both terrorism and drug trafficking.¹⁴³

At the meeting, the President (Russian Federation) made a statement on behalf of the Council,¹⁴⁴ by which the Council, inter alia:

Stressed that security remained a serious challenge facing Afghanistan;

¹³⁴ Ibid., pp. 6-8.

¹³⁵ Ibid., p. 9.

¹³⁶ Ibid., p. 17.

¹³⁷ Ibid., p. 20.

¹³⁸ Ibid., pp. 20-21.

¹³⁹ Ibid., p. 24.

¹⁴⁰ Ibid., p. 26.

¹⁴¹ Ibid., pp. 28-30.

¹⁴² S/PV.4774 (Resumption 1), pp. 2-3.

¹⁴³ Ibid., pp. 5-7.

¹⁴⁴ S/PRST/2003/7.

Stressed that security would be enhanced by continued coordinated efforts to combat the production of illicit drugs in Afghanistan;

Stressed the need to promote the effective realization of anti-drug projects for Afghanistan;

Urged the international community, in collaboration with the Office on Drugs and Crime and in accordance with the drugs strategy of the Afghan Transitional Administration, to provide assistance to the Administration;

Urged the international community, in collaboration with UNAMA and the Office on Drugs and Crime, to encourage cooperation among affected countries assisting the flow of information between and among security and law enforcement agencies, combating groups involved in illicit drug trafficking, carrying out interdiction activities, encouraging demand reduction and coordinating information and intelligence to maximize effectiveness of all measures taken in Afghanistan and beyond its borders.

Decision of 13 October 2003 (4840th meeting): resolution 1510 (2003)

At its 4840th meeting, on 13 October 2003, the Council included in its agenda a letter dated 7 October 2003 from the Secretary-General addressed to the President of the Security Council.¹⁴⁵ The President (United States) drew the attention of the Council to a letter dated 10 October 2003 from the Minister for Foreign Affairs of Afghanistan.¹⁴⁶

The President then drew the attention of the Council to a draft resolution;¹⁴⁷ it was adopted unanimously as resolution 1510 (2003), by which the Council, acting under Chapter VII of the Charter, inter alia:

Authorized expansion of the mandate of the International Security Assistance Force to support the Afghan Transitional

Authority in the maintenance of security in areas outside of Kabul;

Decided to extend the authorization of the Force, as defined in resolution 1386 (2001) and the present resolution for a period of 12 months;

Authorized the Member States participating in the Force to take all necessary measures to fulfil its mandate;

Requested the leadership of the Force to provide quarterly reports on implementation of its mandate, through the Secretary-General;

Decided to remain seized of the matter.

Speaking after the adoption of the resolution, the representative of France stated that he considered that the extension of the ISAF mandate did not entail a commitment of its forces outside Kabul and that France did not plan to involve itself in missions beyond those that it was currently fulfilling. He noted that the resolution authorized ISAF to protect international civil personnel involved, in particular, in reconstruction efforts and humanitarian assistance. He understood in this context that the protection provided by ISAF related “above all to the civilian personnel of the provincial reconstruction teams”.¹⁴⁸

Deliberations of 24 October 2003 (4848th meeting)

At its 4848th meeting,¹⁴⁹ on 24 October 2003, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations. The Under-Secretary-General stated that the past few weeks were a reminder that, as the final and most important stages of the peace process moved ahead, many of the fundamental and structural causes of insecurity remained unsolved. While sporadic tribal and inter-factional conflicts contributed to insecurity, he said that the primary sources of insecurity remained the risk of terrorist attacks and continued and sizeable cross-border infiltration by suspected Taliban, Al-Qaida and Hezb-i-Islami elements. Attacks against Government, military and humanitarian personnel were steadily increasing, seriously limiting the ability to effectively conduct reconstruction and to support political activities. He reported some progress in addressing the causes of insecurity, including reform of the senior level of the Ministry of Defence which was a

¹⁴⁵ S/2003/970, transmitting letters dated 2 and 6 October 2003 from the Secretary-General of the North Atlantic Treaty Organization (NATO). The letter of 2 October enclosed the text of the NATO long-term strategy in its ISAF role in Afghanistan, and the letter of 6 October enclosed preliminary decisions of the North Atlantic Council on a possible expansion of the ISAF mission.

¹⁴⁶ Subsequently circulated by a letter dated 13 October 2003 from the Secretary-General addressed to the President of the Security Council (S/2003/986). In its letter, the Government of Afghanistan requested the Council to consider expanding the mandate of ISAF in Afghanistan, as proposed by the Secretary-General of NATO in his letters dated 2 and 6 October 2003.

¹⁴⁷ S/2003/984.

¹⁴⁸ S/PV.4840, pp. 2-3.

¹⁴⁹ The representative of Afghanistan was invited to participate in the meeting but did not make a statement.

step in the right direction to permit the pilot disarmament, demobilization and reintegration programme to proceed in Kunduz.

The Under-Secretary-General noted that President Karzai had postponed the Constitutional Loya Jirga until the end of Ramadan, between the end of November and early December. The revised schedule, which was still within the timetable set by Bonn, had provided the Constitutional Commission with more time for finalizing the draft constitution. Five hundred delegates would participate in the Constitutional Loya Jirga, of whom 344 would be elected on a provincial basis by the district representatives of the emergency Loya Jirga of 2002, who made up the electorate that would vote for the elected Constitutional Loya Jirga delegates. The registration of that electorate had begun in all provinces. The Constitutional Loya Jirga would adopt a new constitution, which would provide the basis for national elections. He said that the legal and institutional structures necessary for the national elections were gradually being put in place, including the deployment of the voter registration teams. He reiterated that the success of the disarmament,

demobilization and reintegration process and the electoral registration exercise would be dependent upon sufficient improvement in security conditions to allow deployment of staff beyond major urban centres. "Indeed, if it were held today, the electoral process would not succeed", he warned, adding that some 60 per cent of the south and some 20 per cent of the south-east and east were at any one time not freely accessible. In this context, he welcomed the unanimous adoption by the Council of a resolution approving expansion of ISAF beyond Kabul. He stressed that, as the Bonn process entered its final stage, the Government of Afghanistan and the international community would embark upon their most challenging and far-reaching political undertakings. There were still significant obstacles standing in the way, not least the lack of security. Maintaining the forward momentum would require the determination of the Afghan people and the will of the international community. He said that the expansion of security assistance provided a critical element of this equation.¹⁵⁰

¹⁵⁰ S/PV.4848, pp. 2-6.

27. Letter dated 31 March 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Papua New Guinea to the United Nations addressed to the President of the Security Council

Deliberations of 21 November 2002 to 15 December 2003 (4647th, 4728th, 4805th and 4881st meetings)

At its 4647th meeting, on 21 November 2002, the Security Council heard a briefing by the Under-Secretary-General for Political Affairs on the activities of the Political Office in Bougainville, Papua New Guinea, following which, in addition to all members of the Council, statements were made by the representatives of Australia, Fiji,¹ New Zealand and Papua New Guinea.

In his briefing, the Under-Secretary-General reported that there had been delays in the completion of stage II of the weapons disposal plan, which had been scheduled to be implemented by September 2002. As a result of the slowed momentum, the Under-

Secretary-General noted that the entire peace process had come under some strain. He explained that the reasons for the setbacks had been twofold: first, the refusal by some ex-combatants to participate in the weapons disposal process due to problems related to the disbursement of funds for reintegration and rehabilitation and the erroneous perception that ex-combatants would be paid for turning in their weapons; and secondly, the impact of a deliberate campaign of misrepresentation regarding the peace process carried out by followers of Mr. Francis Ona, the main Bougainvillian leader who had remained outside of the peace process. Despite those developments, the Under-Secretary-General expressed encouragement at the results of a meeting of the Peace Process Consultative Committee on 30 October 2002, chaired by the United Nations Political Office in Bougainville (UNPOB), at which a decision had been taken by former combatants to complete stage II of the

¹ On behalf of the Pacific Islands Forum.

weapons disposal plan by 24 December 2002. At that meeting, a number of decisions had been adopted designed to make weapon containers more secure and to foster more positive attitudes to weapons containment, thereby placing the weapons collection back on track. Also, decisions had been taken to address problems related to the usage of the funds for reintegration and rehabilitation. As a follow-up to the meeting of the Peace Process Consultative Committee, the two Bougainville faction leaders had convened an extraordinary session in Arwa at the beginning of November 2002 with an extended participation that included the provincial Administration. The session had adopted a joint ex-combatants resolution that, inter alia, called for the political leadership to enter into dialogue with the Me'ekamui Defence Force of Mr. Francis Ona. Following those two meetings, direct contact with the military commander of Mr. Francis Ona had been initiated by the political leadership of the ex-combatants. At both meetings, UNPOB had sent out a very clear message to the ex-combatants that the credibility of the weapons disposal and, perhaps, of the entire peace process would be at stake if the deadline of 24 December was not met. The Mission had also re-emphasized that progress towards the autonomy of Bougainville depended on the completion of stage II of the weapons disposal plan and on its verification.

During the reporting period, UNPOB had held a series of meetings with civil society groups throughout the island aimed at promoting maximum community participation in the weapons disposal plan. Also, for all of the activities of UNPOB related to weapons collection, the Under-Secretary-General underlined the close and fruitful working relationship with the Peace Monitoring Group (comprising the Governments of Australia, Fiji, New Zealand and Vanuatu). Regarding the Bougainville Constitutional Commission, the Under-Secretary-General reported that it had been consulting with the people of the various districts of the island ascertaining their views on what should be the content of the Bougainville Constitution. The first draft Constitution had been scheduled to be completed by 1 January 2003. It would then be considered by the Constituent Assembly which was expected to be established by February 2003. The Under-Secretary-General noted that the actual commencement of the work of the Commission would depend on the verification by UNPOB of the satisfactory completion of stage II of the weapons disposal plan. Stressing the critical tasks ahead for UNPOB in order to complete

stages II and III (final decision on the fate of the weapons) of the weapons disposal plan and noting that as both the Peace Process Consultative Committee and the Government of Papua New Guinea had requested the presence of UNPOB beyond elections, the Under-Secretary-General recommended that the Security Council favourably consider an extension of the mandate of UNPOB for a further 12 months as all parties had confirmed that the continued presence of UNPOB was essential for the successful completion of the peace process.²

Most speakers reiterated their support for the peace process, acknowledging the considerable progress that had been made in the implementation of the Bougainville Peace Agreement since its signing on 30 August 2001, and welcomed the continued efforts of UNPOB and the Peace Monitoring Group towards that end.

A few speakers expressed concern about the delays and obstacles to the process in Bougainville, notably with regard to the complete implementation of the weapons disposal plan,³ while the representatives of Singapore and Ireland noted that it was important not to insist on fitting the implementation of the peace process into a too rigid time frame.⁴ Several speakers underlined the link between progress in the weapons disposal and the establishment of the autonomous Bougainville government by a legal device which made the provision on autonomy and referendum in the new part of the national Constitution conditional upon verification and certification by UNPOB that stage II of the agreed weapons disposal plan had been achieved.⁵

With regard to the recommendation of the Secretary-General, the majority of the speakers supported extending the mandate of UNPOB until the end of 2003 in order to allow it to oversee the implementation of the pending components of the Peace Agreement and thereby to contribute to the final sealing of the peace process. However, the representative of the United States opined that the delay in the implementation of stage II of the weapons disposal plan did not justify another 12-month

² S/PV.4647, pp. 2-4.

³ *Ibid.*, p. 4 (Mexico); and p. 9 (Russian Federation).

⁴ *Ibid.*, p. 9 (Singapore); and p. 11 (Ireland).

⁵ *Ibid.*, p. 5 (Mauritius); p. 6 (Norway); and p. 10 (Guinea).

extension of the mandate of UNPOB. Noting that progress towards greater autonomy and a referendum could not be made until UNPOB had certified the completion of stage II of the weapons disposal plan, the representative underlined the need for a more clear and measured indication from the Secretariat of the “end-game” for weapons disposal and the exit strategy for the UNPOB mission as a whole. In that regard, he noted the preliminary view of his delegation that a six-month extension of the mandate of UNPOB would be adequate.⁶ While acknowledging the need to consider an exit strategy of UNPOB, the representatives of the United Kingdom and Cameroon cautioned against jeopardizing the success in Bougainville by a precipitate end to the contribution of the United Nations.⁷

The representative of Papua New Guinea noted that despite the delays, the proposed timetable set out in the aide-mémoire of August 2002 still stood and definite milestones outlined in that aide-mémoire ensured a proper exit by the parties.⁸

The representative of Singapore highlighted that the Bougainville “file” had for some time been a source of encouragement for the Security Council as it had demonstrated that the efforts of the Council could, and often did, produce the desired results.⁹

At its 4728th meeting, on 28 March 2003, at which, in addition to all members of the Council, statements were made by the representatives of Australia, Fiji,¹⁰ Japan, New Zealand and Papua New Guinea, the Council had before it the report of the Secretary-General on the Political Office in Bougainville, dated 20 March 2003.¹¹ In his report, the Secretary-General observed, inter alia, that the Security Council had endorsed a final extension of UNPOB until 31 December 2003.¹² He noted that the deadline for completion of stage II of the weapons disposal plan by 24 December 2002 had not been met. An Action Plan for the Completion of Weapons Collection had been adopted by political and former combatant leaders in Buka on 17 February 2003. However, a major obstacle to the completion of the weapons disposal

plan had remained the non-involvement of Mr. Francis Ona and his Me’ekamui Defence Force, despite efforts to appeal for his commitment not to impede the implementation of the peace process. Noting that the work of the Bougainville Constitutional Commission had been progressing well, the Secretary-General, in his report, informed that an official draft had been released on 1 February 2003 for island-wide consultations. He observed that, depending on the completion of stage II of the weapons disposal plan, elections could be held at the end of 2003. As a result of a visit of the National Government on 18 and 19 February 2003, a memorandum of understanding was signed between the Government and the Bougainville parties that had established a mechanism for consultation between them on all aspects of the implementation of the autonomy arrangements, including the transfer of powers, functions and resources, and the settlement of disputes. Noting that the Peace Monitoring Group would withdraw by 30 June, the Secretary-General expressed the view of UNPOB that prior to the withdrawal of the Monitoring Group it would be helpful if the parties to the Agreement reviewed the progress of the weapons disposal plan, and if necessary considered replacing the Peace Monitoring Group with an alternative arrangement to assist UNPOB to fulfil its mandate and start withdrawing by the end of 2003.

At that same meeting, the Council heard a briefing by the Assistant Secretary-General for Political Affairs based on the above-mentioned report of the Secretary-General. In his briefing, the Assistant Secretary-General noted that the implementation of the Action Plan seemed to be proceeding well. With regard to the refusal of Mr. Francis Ona to enter into dialogue, he emphasized the importance of the continued efforts of the Government of Papua New Guinea and other actors in the field to encourage the participation of Mr. Francis Ona in the peace process.¹³

Most speakers commended the efforts of UNPOB and the Peace Monitoring Group in moving stage II of the weapons disposal plan significantly forward. Welcoming the Action Plan, many speakers urged the parties to take practical action to fulfil their commitments to the Plan. Speakers also expressed satisfaction on the progress made by the Bougainville Constitutional Commission and underlined the

⁶ Ibid., pp. 7-8.

⁷ Ibid., p. 13 (United Kingdom); and p. 12 (Cameroon).

⁸ Ibid., p. 15.

⁹ Ibid., p. 9.

¹⁰ On behalf of the Pacific Islands Forum.

¹¹ S/2003/345.

¹² By an exchange of letters (see chap. V).

¹³ S/PV.4728, pp. 2-4.

importance of continued assistance after UNPOB by the United Nations Development Programme (UNDP) and the specialized agencies in the process of post-conflict rehabilitation and peace-building in Bougainville.

The representative of Germany held that contingency plans should be initiated, in cooperation with the Secretariat, if stage II of the weapons disposal plan did not reach its deadline prior to the withdrawal of the Peace Monitoring Group.¹⁴ On the other hand, the representative of the United States maintained that the time to achieve the completion of stage II was not unlimited as both the Peace Monitoring Group and UNPOB would be departing at definite times and progress towards autonomy was far too important to be further delayed.¹⁵ The representatives of the Syrian Arab Republic and the United States of America both stated that they would have liked to see a more detailed outline of the exit strategy of UNPOB in the report of the Secretary-General.¹⁶ Several speakers stressed the need to address stage III of the weapons disposal plan, when a decision would be taken on the final fate of the weapons.¹⁷

The representative of Australia stated that his Government would remain engaged in Bougainville beyond the withdrawal of the Peace Monitoring Group and focus on economic development support, service delivery and the establishment and functioning of the administration and autonomous government in Bougainville.¹⁸

At its 4805th meeting, on 6 August 2003, the Council heard a briefing by the Head of UNPOB, following which, in addition to all members of the Council, statements were made by the representatives of Australia, Fiji,¹⁹ Japan, New Zealand and Papua New Guinea.

In his briefing, the Head of UNPOB stated that the implementation of the Bougainville Peace Agreement had taken some dramatic steps forward, the most significant of those being the completion of

stage II of the weapons disposal plan. Owing to the absence of a numerical criterion to determine that completion, UNPOB had decided to base the verification of the completion of stage II on an island-wide process of consultations, in which it ascertained that the people of the island were feeling a level of confidence and security that they had never felt at any time since the crisis ended. Although all weapons still held by, inter alia, former combatants and supporters of Mr. Francis Ona could not be accounted for, the people of the island did not consider that those factors should delay implementation of the Peace Agreement. On 30 July 2003, UNPOB had made the verification and certification to the National Government. The Head of UNPOB noted that when the constitutional amendments would come into effect, the holding of elections for a Bougainville autonomous government could proceed. Preparations for autonomy, focused on the drafting of the Bougainville Constitution, had been ongoing through consultations between the National Government and the Bougainville Administration. With regard to the lack of participation in the peace process of Mr. Francis Ona, the Head of the Mission noted the import of intensified efforts by all concerned, including UNPOB, to bring him on board, or at the very least to ensure he would not obstruct the process. The newly established Bougainville Transition Team (comprising Australia, Fiji, New Zealand and Vanuatu), the successor to the Peace Monitoring Group, had been cooperating with UNPOB with regard to, inter alia, the checking and recording of the weapons collected. Finally, the Head of UNPOB noted that the Security Council might wish to turn its attention to ways in which it could support the people of Bougainville in consolidating and sustaining their peace in the wake of the Mission.²⁰

Most speakers encouraged the parties to direct their efforts towards setting a date for the organization of elections in Bougainville, the effective holding of those elections and the establishment of an autonomous government. Welcoming the establishment of the Bougainville Transition Team, many speakers encouraged the continued engagement to monitor commitments that had been assumed in the Action Plan and also expressed their support for the assistance of UNDP and other agencies in the post-conflict rehabilitation period.

¹⁴ Ibid., p. 7.

¹⁵ Ibid., p. 12.

¹⁶ Ibid., p. 8 (Syrian Arab Republic); and p. 11 (United States).

¹⁷ Ibid., p. 16 (Papua New Guinea); p. 17 (New Zealand); and p. 19 (Australia).

¹⁸ Ibid., p. 19.

¹⁹ On behalf of the Pacific Islands Forum.

²⁰ S/PV.4805, pp. 2-4.

The representative of Australia noted that the decision to deploy the Bougainville Transition Team had once again demonstrated the capacity of the South Pacific community to work together to meet challenges to peace and security in that region.²¹

While several speakers called for the involvement of Mr. Francis Ona in the peace process,²² the representative of New Zealand stressed that although his Government did support efforts towards that end, the peace process could not wait for Mr. Francis Ona or be derailed due to his absence.²³

At its 4881st meeting, on 15 December 2003, the Council heard a briefing by the Assistant Secretary-General for Political Affairs, following which, in addition to all members of the Council, statements were made by the representatives of Australia, Japan, New Zealand and Papua New Guinea.

In his briefing, the Assistant Secretary-General explained that the final Bougainville Constitution was to be adopted around May 2004 and endorsed by the National Government by August 2004, following which the Constitution would enter immediately into force and a six-month period would be needed to complete preparations for elections. On 30 November 2003, the Bougainville Revolutionary Army and the Bougainville Resistance Force had adopted a resolution which declared that the final fate of the contained weapons would be their destruction. According to the resolution, the destruction should be carried out as soon as the essential components of the peace process had been finalized, including, *inter alia*, the entry into force of the Bougainville Constitution. The Assistant Secretary-General noted that Mr. Francis Ona had continued to refuse to contain the weapons of the Me'ekamui Defence Force, and that his position on that issue might affect the pace and timing of the implementation of stage III of the weapons disposal plan. Finally, in the light of the planned withdrawal of the Bougainville Transition Team by the end of 2003

and due to the fact that the peace process would not have reached its conclusion by the end of December 2003, the Secretary-General had recommended the establishment of a United Nations Observer Mission in Bougainville limited to the first six months of 2004. The Mission would be a downsized version of UNPOB and offer a continued political presence by the United Nations contributing to building confidence among the parties in the process and consolidating the peace that had to that date been achieved by the respective parties involved.²⁴

Most speakers agreed with the proposal of the Secretary-General that a continued United Nations presence in Bougainville would help to facilitate and consolidate efforts that had been made in advancing the peace process. In that regard, several speakers held that the extended United Nations presence in Bougainville should have a clear exit strategy.²⁵ The representative of Mexico stated that his Government would study the proposal of the Secretary-General to preserve a United Nations presence in Bougainville for an additional six-month period, bearing in mind the financial implications for Member States and the best way that the United Nations could continue to support the strengthening of the political process in Bougainville.²⁶

The representative of Australia referred to the future commitment of his Government which would focus on good governance and helping the parties to establish a viable and affordable autonomous administration for Bougainville. Assistance and capacity-building would also be provided within the security sector of Bougainville in close cooperation with New Zealand.²⁷

The representative of Papua New Guinea expressed appreciation with regard to the efforts of UNPOB, and noted that the faith, confidence and trust that the parties to the conflict had in the Mission was also a strong expression of confidence in the United Nations.²⁸

²¹ *Ibid.*, p. 17.

²² *Ibid.*, p. 6 (Papua New Guinea); p. 8 (France); and p. 9 (Germany, United Kingdom).

²³ *Ibid.*, p. 18.

²⁴ S/PV.4881, pp. 2-4.

²⁵ *Ibid.*, p. 6 (Germany, France).

²⁶ *Ibid.*, p. 7.

²⁷ *Ibid.*, pp. 17-18.

²⁸ *Ibid.*, p. 13.

**28. Letter dated 10 November 2000 from the Chargé d'affaires a.i.
of the Permanent Mission of Solomon Islands
to the United Nations addressed to the President
of the Security Council**

Initial proceedings

Decision of 16 November 2000 (4224th meeting): statement by the President

At its 4224th meeting, on 16 November 2000, the Security Council included in its agenda, without objection, the item entitled "Letter dated 10 November 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations addressed to the President of the Security Council (S/2000/1088)". By that letter, the representative of Solomon Islands transmitted a copy of the Townsville Peace Agreement, concluded on 15 October 2000 in Townsville, Australia, for the cessation of hostilities between the warring factions on Solomon Islands and the Government of Solomon Islands.

At that meeting, in which the representative of Solomon Islands was invited to participate, the President (Netherlands) made a statement on behalf of the Council,¹ by which the Council, inter alia:

Strongly supported the Townsville Peace Agreement, concluded on 15 October 2000, for the cessation of hostilities between the Malaita Eagle Force and the Isatabu Freedom Movement and for the restoration of peace and ethnic harmony in Solomon Islands;

Welcomed the establishment, as outlined in the Townsville Peace Agreement, of the International Peace Monitoring Team composed of unarmed military personnel and civilian police from Australia and New Zealand, the mandate of which is based on annex II to the said Agreement and agreed by the parties;

Encouraged other nations, in particular those in the region, to participate and assist in the implementation of the Agreement.

¹ S/PRST/2000/33.

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